Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

1

REVISED NEIGHBORHOOD PLAN OF THE

2 CITY & COUNTY OF HONOLULU 2006 3 4 5 Foreword 6 Table of Contents 7 Introduction 8 Constant Evaluation 9 Organization Abbreviations and Symbols 10 11 **ARTICLES** 12 13 14 Article 1 Establishment of Neighborhood Board System 15 Article 2 General Provisions 16 Article 3 Rules of the Neighborhood Commission Article 4 Neighborhood Geography 17 18 Map 1 and Map 2 Initiation and Formation of Neighborhoods 19 Article 5 20 Article 6 Elections 21 Article 7 Rules of the Neighborhood Boards Termination of a Neighborhood Board 22 Article 8 Article 9 Amendment or Revision of the Neighborhood Plan 23 24 25 **APPENDICES** 26 27 A1. Neighborhood Commission and Neighborhood Board System 28 Organizational Chart. 29 A2. Oahu's Neighborhood Board System Summary Chart 30 (Board Names, Regular Meeting Schedule, Membership Composition, and Date Formed). 31 32 A3. Tables of Disposition. A4. Text of Hawaii Revised Statutes Chapter 92, 33 34 Public Agency Meetings and Records ("Sunshine Law"). 35 36 37 **ADOPTED** by the Neighborhood Commission of the 38 City & County of Honolulu on _____; 39 40 **EFFECTIVE** 41 42

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

ANNOTATIONS FORMAT. The annotations to this Public Review Draft of the proposed Revised Neighborhood Plan 2006 (**RNP 2006**) are presented as follows.

indicator to separate the proposed text and layout of the Revised Neighborhood Plan 2006 (presented above the line of vertical marks) and the annotations provided for each section of the proposed Revised Neighborhood Plan 2006 (presented below the line of vertical marks).

| | | | | | -- The vertical marks that extend across the page are intended to serve as a visual

**PLEASE NOTE: If this proposed Revised Neighborhood Plan 2006 is duly adopted by the Neighborhood Commission and signed into law by the Mayor, the line of vertical marks and the annotations set forth below the line of vertical marks are <u>NOT</u> intended to be included in the final publication of the new Revised Neighborhood Plan 2006.

Specific Section Number and Heading – For ease of reference, the section number (if any) and heading of the specific section are indicated below the line of vertical marks and above the annotations for that specific section.

Source -- Identification of whether the section is (1) new; (2) taken from the Revised Neighborhood Plan 1986 (1998 edition) or Rules of the Neighborhood Commission (effective June 29, 1998); or (3) based on some other source.

Parallel -- Citation references to substantially similar or otherwise corresponding sections within this Neighborhood Plan (or other significant governing law).

Comments -- Explanatory information or other discussion and considerations concerning the proposed section.

Ramseyer -- Indication of changes proposed to be made to the section by using **[brackets]** to enclose material to be deleted and **underscoring** to indicate material to be added. "Ramseyer" refers to this notation method.

**PLEASE NOTE: Conceptually a bracket may be placed at the beginning and end of the Revised Neighborhood Plan 1986 (1998 edition) (RNP 1986) as that entire document is proposed to be repealed and superseded by the Public Review Draft Revised Neighborhood Plan 2006 (RNP 2006).

Much of the heritage of the RNP 1986 and Rules of the Neighborhood Commission (effective June 29, 1998) (**NCR**) will remain in the RNP 2006 – the Source and Ramseyer sections in the Annotated Public Review Draft RNP 2006 notes will indicate that heritage for reference.

Also added to the citation references at the end of each Public Review Draft RNP 2006 section is an entry for "History" (Hist) -- citation references to corresponding sections of the superseded Rules of the Neighborhood Commission (effective June 29, 1998) and Revised Neighborhood Plan 1986 (1998 edition). See the complete explanation set forth in the "Organization" section of the citation references listed. See also the Tables of Disposition for cross-referencing.

Page 3/104

DRAFT REVISED NEIGHBORHOOD PLAN 2006 PRELIMINARY CLEAN TEXT ONLY DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Amendments to Second Draft RNP (June 25, 2002) – For ease of reference, especially for those persons who have actively participated in the many meetings and workshops of the Neighborhood Commission's Neighborhood Plan Committee, amendments made to the Second Draft Revised Neighborhood Plan document dated June 25, 2002 (which served as the basis of the 2002 to 2004 committee meetings) are specifically indicated in Ramseyer format.

 REVISED NEIGHBORHOOD PLAN
OF THE
CITY & COUNTY OF HONOLULU 2006

FOREWORD

**PLEASE NOTE: If a foreword is to be provided for the RNP 2006 when published, it will be written after final adoption of the RNP 2006.

TABLE OF CONTENTS

Introduction Constant Evaluation Organization Abbreviations and Symbols

ARTICLE 1 - ESTABLISHMENT OF NEIGHBORHOOD BOARD SYSTEM

Section	1-101.	Short Title.
	1-102.	Supersession, Consolidation, and Transition.
	1-103.	Severability.
	1-104.	Force and Effect of Law.
	1-201.	To Obtain Information.
	1-301.	Establishment of Neighborhoods and Neighborhood Boards.
	1-302.	Establishment of the Neighborhood Commission.
	1-303.	Powers, Duties, and Functions of the Neighborhood Commission.
	1-304.	The Neighborhood Plan.
	1-305.	Executive Secretary.
	1-306.	Neighborhood Commission Office Procedures and Resource Materials.
	1-307.	Records Management.
	1-401.	Standards of Conduct.

1			ARTICLE 2 - GENERAL PROVISIONS
2 3	Section	2-101.	Definitions.
4	occuon	2-101. 2-201.	
5		2-301.	Computation of Time.
6		2-302.	Facsimile (Fax) or Electronic Signatures.
7			
8 9		ART	TICLE 3 – RULES OF THE NEIGHBORHOOD COMMISSION
10	Section	3-101.	Membership.
11			Oath of Office.
12		3-103.	Attendance of Members.
13		3-104.	,
14		3-201.	Meetings.
15		3-202.	Executive Meetings.
16		3-203.	Meeting Notice and Agenda.
17		3-204.	Priority of Business.
18		3-205.	Meeting Minutes.
19		3-206.	Quorum and Majority Vote.
20		3-207.	Voting.
21		3-208.	Order and Decorum.
22		3-209.	Question of Order.
23		3-210.	
24			Removal of an Officer.
25			Officer Vacancy.
26 27		3-213.	
		3-214.	
28 29		3-215.	Appointment of Delegates.
30		3-216. 3-217.	Suspension of the Rules.
31		3-217. 3-301.	Parliamentary Procedure Guidance. Conflicts of Interest.
32		3-301. 3-302.	
33		3-302. 3-303.	
34		3-303. 3-304.	Acceptance of Gifts or Donations.
35		3-401.	Executive Secretary.
36		3-402.	Annual Report.
37		3-501.	Information and Review Process; Inquiries and Complaints.
38		3-502.	Contested Case Process.
39		3-503.	Sunshine Law Complaints.
40		0 000.	Sansimic Baw Complaints.
41			ARTICLE 4 - NEIGHBORHOOD GEOGRAPHY
42			
43	Section	4-101.	Neighborhood Boundary Definitions.
44		4-102.	Boundary Establishment Standards.
45		4-103.	Neighborhood Boundary Maps.
46		4-104.	Informational Boundary Maps.
47		4-105.	"Date Formed" Definition.
48			
49			

1		4-201.	Hawaii Kai Neighborhood Board No. 1.
2		4-202.	Kuliouou/Kalani Iki Neighborhood Board No. 2.
3		4-203.	Waialae/Kahala Neighborhood Board No. 3.
4		4-204.	Kaimuki Neighborhood Board No. 4.
5		4-205.	Diamond Head/Kapahulu/St. Louis Heights
6			Neighborhood Board No. 5.
7		4-206.	Palolo Neighborhood Board No. 6.
8		4-207.	Manoa Neighborhood Board No. 7.
9		4-208.	McCully/Mo`ili`ili Neighborhood Board No. 8.
10		4-209.	Waikiki Neighborhood Board No. 9.
11		4-210.	Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10.
12		4-211.	Ala Moana/Kakaako Neighborhood Board No. 11.
13		4-212.	Nuuanu/Punchbowl Neighborhood Board No. 12.
14		4-213.	Downtown Neighborhood Board No. 13.
15		4-214.	Liliha/Puunui/Alewa/Kamehameha Heights
16		1 2/1 1,	Neighborhood Board No. 14.
17		4-215.	Kalihi/Palama Neighborhood Board No. 15.
18		4-216.	Kalihi Valley Neighborhood Board No. 16.
19		4-210. 4-217.	Moanalua Neighborhood District No. 17.
20		4-217. 4-218.	
21			Aliamanu/Salt Lake/Foster Village Neighborhood Board No. 18.
		4-219.	Airport Area Neighborhood District No. 19.
22		4-220.	Aiea Neighborhood Board No. 20.
23		4-221.	Pearl City Neighborhood Board No. 21.
24		4-222.	Waipahu Neighborhood Board No. 22.
25		4-223.	Ewa Neighborhood Board No. 23.
26		4-224.	Waianae Coast Neighborhood Board No. 24.
27		4-225.	Mililani/Waipio/Melemanu Neighborhood Board No. 25.
28		4-226.	Wahiawa Neighborhood Board No. 26.
29		4-227.	North Shore Neighborhood Board No. 27.
30		4-228.	Koolauloa Neighborhood Board No. 28.
31		4-229.	Kahalu`u Neighborhood Board No. 29.
32		4-230.	Kaneohe Neighborhood Board No. 30.
33		4-231.	Kailua Neighborhood Board No. 31.
34		4-232.	Waimanalo Neighborhood Board No. 32.
35		4-233.	Mokapu Neighborhood District No. 33.
36		4-234.	Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34.
37		4-235.	Mililani Mauka/Launani Valley Neighborhood Board No. 35.
38		4-301.	Neighborhood Boundary Amendments.
39		4-302.	Commission Consideration Process.
40		4-303.	Reservation of Commission Powers.
41		4-304.	Amendment Moratorium.
42			
43		ARTIC	LE 5 – INITIATION AND FORMATION OF NEIGHBORHOODS
44	a	= 40:	
45	Section	5-101.	Initiative Petition; Voter Signatures Requirement.
46		5-102.	Initiative Petition Components; Neighborhood Board Composition.
47		5-103.	Filing and Verification.
48		5-104.	Commission Consideration Process.
49		5-105.	Reservation of Commission Powers.

1		5-106.	Amendment of the Initiative Petition.
2 3			ARTICLE 6 - ELECTIONS
4 5	Section	6-101.	Definitions.
6	occuon	6-201.	
7		6-202.	±
8		6-203.	Chief Monitoring Officer.
9		6-203. 6-301.	Determination of Residence.
10		6-301.	Voter Eligibility and Registration.
11		6-302.	Candidate Eligibility and Registration.
12		6-304.	Residency Paramount.
13		6-304. 6-305.	Disqualification by Relocation.
14		6-305. 6-306.	
15		6-300. 6-307.	Concurrent Candidacy Prohibition.
16		6-307. 6-308.	Impropriety Prohibition. Candidate List.
17		6-309.	
18			
19		6-310. 6-311.	
20			3
21		6-312.	
22		6-313.	Election Campaigns and Finance. Ballots.
23		6-401.	
23 24		6-402. 6-403.	Ballot Mailing Deadline.
		6-403. 6-404.	Replacement Ballots. Return of Ballots.
25 26			
26 27		6-501.	Uncontested Races.
		6-601.	Ballot Secrecy and Security.
28 29		6-602. 6-603.	Ballot Tabulation and Recordkeeping Procedures. Certification of Election Results.
30 31		6-604.	Issuance of Certificates of Election.
32		6-701. 6-702.	Voter Registration Challenge.
33			Candidate Registration Challenge.
34		6-703.	Other Challenges.
3 4 35		A T	RTICLE 7 - RULES OF THE NEIGHBORHOOD BOARDS
36		AI	RIICLE 7 - RULES OF THE NEIGHBORHOOD BOARDS
37	Section	7-101.	To Obtain Information.
38	Section	7-101. 7-102.	Neighborhood Board Powers, Duties, and Functions.
39		7-102. 7-103.	Representative Capacity of Neighborhood Board Members.
40		7-103. 7-104.	Community Forum Limitations.
41		7-104. 7-105.	Compensation.
42		7-103. 7-201.	Membership.
43		7-201. 7-202.	Concurrent Holding of Elective Public Office Prohibition.
44		7-202. 7-203.	Membership Vacancy.
44 45		7-203. 7-204.	Oath of Office.
46		7-204. 7-205.	Attendance of Members.
4 0		7-203. 7-206.	Absences and Removal Process; Resignation.
48		7-200. 7-207.	Reporting Change of Residency.
49		7-207. 7-208.	Disqualification by Relocation.
1)		1-400.	Disquamication by relocation.

1		7-301.	Neighborhood Board Term.
2		7-302.	Transition and Initial Convening.
3		7-303.	Regular Meetings.
4		7-304.	Special Meetings.
5		7-305.	Executive Meetings.
6		7-305. 7-306.	Meeting Notice and Agenda.
7		7-300. 7-307.	e e e e e e e e e e e e e e e e e e e
8		7-307. 7-308.	Priority of Business.
9		7-308. 7-401.	Meeting Minutes. Officers.
10			
		7-402.	Removal of an Officer.
11		7-403.	Officer Vacancy.
12		7-404.	Duties of Officers.
13		7-405.	Conference of Chairs.
14		7-501.	Committees.
15		7-502.	Committee Chairs and Membership.
16		7-503.	Committee Meetings.
17		7-504.	Appointment of Delegates.
18		7-601.	Quorum and Majority Vote.
19		7-602.	Voting.
20		7-603.	Motions.
21		7-604.	Summary Chart of Motions.
22		7-605.	Suspension of the Rules.
23		7-606.	Adjournment.
24		7-607.	Motion to Adjourn.
25		7-608.	Order and Decorum.
26		7-609.	Question of Order.
27		7-610.	"Call for the Question."
28		7-611.	Debate.
29		7-612.	Parliamentary Procedure Guidance.
30		7-701.	Conflicts of Interest.
31		7-702.	Disclosure of Interest.
32		7-703.	Political Activity.
33		7-704.	Acceptance of Gifts or Donations.
34		7-801.	Recall of a Neighborhood Board Member.
35		7 001.	Recall of a reignoofffood Board Member.
36		ΔRT	ICLE 8 – TERMINATION OF A NEIGHBORHOOD BOARD
37		211(1	TODE OF TERMINATION OF IT NEIGHBORHOOD BOINED
38	Section	8-101.	Initiation of Termination.
39	occuon	8-101. 8-102.	Termination Initiated by Residents.
40		8-102. 8-103.	Termination Initiated by Neighborhood Board.
41		8-103. 8-104.	Termination Initiated by Neighborhood Commission.
42		8-104. 8-105.	New Initiation and Formation Not Precluded.
43		6-105.	New Illitiation and Formation Not Precluded.
44	A *	DTICLE O	- AMENDMENT OR REVISION OF THE NEIGHBORHOOD PLAN
	A	RIICLE 9	- AMENDMENT OR REVISION OF THE NEIGHBORHOOD PLAN
45 46	Contina	0.101	Initiation of Draggedings to Adopt Amond Daviss on Demant the
46 47	Section	9-101.	Initiation of Proceedings to Adopt, Amend, Revise, or Repeal the
47		0 100	Neighborhood Plan.
48		9-102.	Method of Adoption, Amendment, Revision, or Repeal of Rules.
49		9-103.	Place and Time of Public Hearings.

Page 8/104

DRAFT REVISED NEIGHBORHOOD PLAN 2006 PRELIMINARY CLEAN TEXT ONLY DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

9-104. Effective Date of Amendment or Revision. 9-201. Periodic Comprehensive Review. **APPENDICES** 6 Appendix A1. Text of Hawaii Revised Statutes Chapter 92, Public Agency Meetings and Records ("Sunshine Law"). Neighborhood Commission and Neighborhood Board System A2. Organizational Chart. Oahu's Neighborhood Board System Summary Chart A3. (Board Names, Regular Meeting Schedule, Membership Composition, and Date Formed). Tables of Disposition. A4.

INTRODUCTION

Aloha! The Revised Neighborhood Plan 2006 is the result of a comprehensive review and revision process conducted by the Neighborhood Commission and its Neighborhood Plan Committee from 1999-2005 to improve the Revised Neighborhood Plan 1986 (1998 edition). The Neighborhood Board System was authorized by the electorate of the City & County of Honolulu in 1972 through an amendment to the City Charter, formally created in 1973, and has accumulated more than 30 years of experience through the activities of the present 32 neighborhood boards formed since 1973. This governance document relies on that experience and responds to the needs of the Neighborhood Commission, the Neighborhood Board System as a whole, its participants, and the public at large.

The Neighborhood Commission is unique in comparison to all other boards and commissions of the City & County of Honolulu, having the policy and oversight authority and responsibility for the elective Neighborhood Board System. The System itself has considerable diversity in the number of members on each neighborhood board, the scope of representation of each member -- full districts (at large) and smaller subdistricts, and the geographic size and demographic characteristics of each neighborhood area as established by the neighborhood plan and initiative petitions.

In both organization and diversity there is strength for our island community. Accordingly, the Neighborhood Commission, pursuant to the authority granted by Article XIV of the Revised Charter of the City & County of Honolulu 1973 (2000 edition), has endeavored to craft a new Revised Neighborhood Plan 2006 that is intended to (1) promote the proper, orderly, and efficient conduct and administration of the Neighborhood Board System as a whole through appropriate uniformity and consistency; (2) promote and respect the diversity among neighborhood areas and boards within the Neighborhood Board System by allowing appropriate flexibility -- thereby serving to accommodate and indeed celebrate the "local flavors" of each Oahu community; and (3) serve as an inclusive "one stop" reference manual for the organization, administration, and conduct of the Neighborhood Board System.

Page 9/104

DRAFT REVISED NEIGHBORHOOD PLAN 2006 PRELIMINARY CLEAN TEXT ONLY DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

This new Revised Neighborhood Plan 2006 is intended to significantly help the Neighborhood Board System to better perform its democratic and advisory duty "to increase and assure effective citizen participation in the decisions of government" (Section 14-101, Revised Charter of the City & County of Honolulu 1973 (2000 edition); RNP 2006 § 1-301).

As always, it is up to each one of us to do our part! The actual success in the fulfillment of the above duty depends on the initiative, commitment, and responsibility of those persons in our community who are willing to actively participate and serve in this vital civic opportunity and expression of grassroots democracy. **We the People...**

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: §§ 1-301, 1-303(a), 1-304, 7-102, 9-201] [Eff]

CONSTANT EVALUATION

The Neighborhood Commission, pursuant to Section 14-103(b) of the Revised Charter of the City & County of Honolulu 1973 (2000 edition) (see Section 1-303(a) of the Revised Neighborhood Plan 2006), shall constantly "review and evaluate the effectiveness of the neighborhood plan and neighborhood boards and report thereon."

Through its responsible use, the accumulation of additional experience, and any future amendments that may become necessary and appropriate, the Revised Neighborhood Plan 2006 is intended to be a dynamic and "living" governance document. The Neighborhood Commission seeks the help of everyone in fulfilling the responsibility to constantly review and evaluate the neighborhood plan and the Neighborhood Board System.

All who participate in any way with the Neighborhood Board System – voters, members, residents, and all other persons and agencies – are encouraged to evaluate and comment on (1) the substance and effectiveness of the Revised Neighborhood Plan 2006, and (2) the conduct, activities, performance, and effectiveness of the Neighborhood Commission and the neighborhood boards in the fulfillment of their democratic and advisory duty to "increase and assure effective citizen participation in the decisions of government."

Please direct all comments, suggestions, questions, and concerns to the Executive Secretary and the Neighborhood Commission – see Section 1-201 of the Revised Neighborhood Plan 2006 for the contact information.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: §§ 1-303(a), 1-304, 7-102, 9-201] [Eff]

ORGANIZATION

The Revised Neighborhood Plan 2006 presents and consolidates the relevant provisions of the Revised Charter of the City & County of Honolulu 1973 (2000 edition), the Rules of the Neighborhood Commission (effective June 29, 1998), and the Revised Neighborhood Plan

Page 10/104

DRAFT REVISED NEIGHBORHOOD PLAN 2006 PRELIMINARY CLEAN TEXT ONLY DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

1986 (1998 edition) – the governing rules of the Neighborhood Board System – into one comprehensive and efficient governance document.

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The Revised Neighborhood Plan 2006 is organized on the basis of:

(1) the hierarchy of legal authority (Revised Charter, then Neighborhood Commission rules, then Neighborhood Plan – including the rules of the neighborhood boards) and executive branch rank (the people {electorate}, Mayor, Managing Director, Neighborhood Commission, Executive Secretary, then neighborhood boards); and

(2) the conceptual "life cycle" of a neighborhood board – initiation and formation (Article 5), election (Article 6), operation (Article 7), and termination (Article 8).

The consolidation and manner of organization is intended to promote ease of use, provide appropriate parallelism among the components of the Revised Neighborhood Plan 2006 as a whole, and clearly treat each part of the Neighborhood Board System according to its organizational rank.

The Revised Neighborhood Plan 2006 is newly organized into major components (articles) and subdivisions (parts and sections). A new numbering system is used which fully indicates for each section its placement in the whole. The first digit of a section number indicates the **Article**, and the second digit indicates the **Part** within that Article in which the section appears. The third and fourth digits indicate the particular **Section**, which are organized sequentially in ascending order. For example, Section 4-302 is found at Article 4, Part 3, Section 2. Subsections are then indicated by citation references placed within parentheses -- for example, Section 7-404(b)(8).

Each section has a heading to succinctly indicate its subject matter, promote organization of the whole document, and provide ease of reference through the table of contents instead of an index.

The new organization, new numbering system, and use of section headings promotes the utility and ease of reference to this neighborhood plan, provides more direct access to particular rule statements, simplifies the accommodation of any future amendments, and distinguishes the Revised Neighborhood Plan 2006 from all earlier Neighborhood Commission rules, neighborhood board rules, and neighborhood plans.

In addition, pursuant to Hawaii Revised Statutes Section 91-4.2(1), Revised Ordinances of Honolulu Section 1-9.2, and the Hawaii Administrative Rules Drafting Manual, Second Edition (State of Hawaii Legislative Reference Bureau, 2003), at the end of each section the Revised Neighborhood Plan 2006 sets forth in brackets the following information:

(1) **Authority** (Auth) – citation references to the legal authority for the adoption of the rule, statement, or action;

(2) **Implementing** (Imp) – citation references to the legal authority being implemented or interpreted by the rule, statement, or action;

(3) History (Hist) – citation references to corresponding sections of the superseded

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Rules of the Neighborhood Commission (effective June 29, 1998) and Revised Neighborhood Plan 1986 (1998 edition); and

- (4) **Parallel** (Para) citation references to substantially similar or otherwise corresponding sections within the Revised Neighborhood Plan 2006. Also indicated as necessary is
- (5) **Effective Date** (Eff) -- the effective date of the section, especially if different than the original effective date of the Revised Neighborhood Plan 2006 as a whole.

Finally, where necessary and appropriate and following the section text and above citations, a "NOTES" section is provided with compiled historical and technical information regarding the substance of amendments, revisions, or repeal of sections, initiative petitions, maps, or geographical area/boundary descriptions; the dates of actions taken; useful crossreferences to related statutory provisions, advisory opinions, or other resources; and any other relevant annotations.

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[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS § 91-4.2(1); ROH § 1-9.2;
Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS § 91-4.2(1); ROH § 1-9.2;
Hist: New; Para: § 1-102] [Eff
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ABBREVIATIONS AND SYMBOLS

The abbreviations and symbols below may be found in the authority reference and historical citations located at the end of each section, in the notes, and in the tables of disposition.

Auth	= Authority - citation references to the legal authority for the adoption of the				
rule, statement, or action.					

- = Implementing citation references to the legal authority being implemented Imp or interpreted by the rule, statement, or action.
- = History citation references to corresponding sections of the superseded Hist Rules of the Neighborhood Commission (effective June 29, 1998) and Revised Neighborhood Plan 1986 (1998 edition).
- = Parallel citation references to substantially similar or otherwise corre-Para sponding sections within the Revised Neighborhood Plan 2006.
- = Effective date of the rule, statement, or action. Eff
- §, §§, or s = section or sections.
- = amended, or amended by. am 42 = amended by implication. am imp
- 43 = article. art
- = chapter or chapters, or act. c or ch = Code of Federal Regulations. CFR
- gen ch = gender change. 46
- 47 = Hawaii Administrative Rules. HAR
- Haw. Const. = Constitution of the State of Hawaii.
- 49 HRS

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= Hawaii Revised Statutes.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

1 L = Session Laws of Hawaii. 2 L Sp. = Special Session Laws of Hawaii. 3 NCR = Rules of the Neighborhood Commission. 4 pt = part. 5 Pub L. or P.L.= Public Law, United States Congress. 6 R or rep. = repealed, or repealed by. 7 = ratified, as ratified, or as ratified by. rat. 8 = Revised Charter of the City & County of Honolulu. RCH 9 ren = renumbered. 10 = Revised Laws of Hawaii. RL11 RNP = Revised Neighborhood Plan. = Revised Ordinances of the City & County of Honolulu. 12 ROH = Robert's Rules of Order Newly Revised. 13 RRONR 14 = United States Statutes at Large. Stat 15 = 1965 Supplement to Revised Laws of Hawaii. Supp. 16 USC = United States Code. 17 U.S. Const. = Constitution of the United States of America. 18 19 [Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 20 14-102, 14-103, 14-104; Hist: New; Para: None] [Eff 21 22 23 ARTICLE 1 24 ESTABLISHMENT OF NEIGHBORHOOD BOARD SYSTEM 25 26 27 28 Section 1-101. Short Title. 29 1-102. Supersession, Consolidation, and Transition. 30 Severability. 1-103. 31 1-104. Force and Effect of Law. 32 1-201. To Obtain Information. 33 Establishment of Neighborhoods and Neighborhood Boards. 1-301. 34 1-302. Establishment of the Neighborhood Commission. 35 Powers, Duties, and Functions of the Neighborhood Commission. 1-303. The Neighborhood Plan. 36 1-304. 37 1-305. Executive Secretary. 38 1-306. Neighborhood Commission Office Procedures and Resource Materials. 39 Records Management. 1-307. 40 Standards of Conduct. 1-401. 41 42 43 Section 1-101. Short Title. This neighborhood plan of the City & County of Honolulu 44 shall be known and may be cited as the Revised Neighborhood Plan 2006. 45 46 [Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 47 14-102, 14-103, 14-104; Hist: New; Para: None [Eff 48 49

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Section 1-102. Supersession, Consolidation, and Transition. (a) The Revised Neighborhood Plan 2006 supersedes the Revised Neighborhood Plan of the City & County of Honolulu 1986 (1998 edition) and the Rules of the Neighborhood Commission of the City & County of Honolulu adopted December 19, 1974, amended May 12, 1998, and effective June 29, 1998. Both sets of rules are expressly repealed by and through the adoption of the Revised Neighborhood Plan 2006.

(b) In order to promote the efficient and effective administration, conduct, and evaluation of the Neighborhood Board System by the Neighborhood Commission, Executive Secretary and Neighborhood Commission Office, board members, and the public, the neighborhood plan, the rules of the Neighborhood Commission, and the rules of the neighborhood boards shall be consolidated into the Revised Neighborhood Plan 2006 as a single, comprehensive set of rules.

(c) The Revised Neighborhood Plan 2006 shall serve as the exclusive comprehensive set of rules for the Neighborhood Board System. Any and all sets of neighborhood board rules which were adopted by the Neighborhood Commission in conjunction with the acceptance of a neighborhood's initiative petition are expressly repealed by and through the adoption of the Revised Neighborhood Plan 2006.

(d) The adoption of the Revised Neighborhood Plan 2006 shall not otherwise affect the validity of any neighborhood's initiative petition previously accepted by the Neighborhood Commission, and such initiative petitions shall continue and remain in full force and effect.

(e) Any initiative petition that is first submitted after the effective date of the Revised Neighborhood Plan 2006 shall conform in all respects to the rules set forth in the Revised Neighborhood Plan 2006, as amended.

(f) Any proposed amendments to any neighborhood's initiative petition that has been previously accepted by the Neighborhood Commission that are submitted after the effective date of the Revised Neighborhood Plan 2006 shall conform in all respects to the rules set forth in the Revised Neighborhood Plan 2006, as amended.

(g) Neighborhood boards shall conform their initiative petitions in all respects to the rules set forth in the Revised Neighborhood Plan 2006, as amended, upon either (1) the submission of any proposed amendments to the initiative petition originally approved by the Neighborhood Commission in accordance with Section 5-106, or (2) the direction of the Neighborhood Commission made at any time on the commission's own motion in accordance with Sections 1-303(a), 1-304, 4-303, and 5-105.

(h) All proceedings pending before the Neighborhood Commission involving initiative petitions, other petitions, hearings, investigations, and any other proceedings that are not completed at the effective date of the Revised Neighborhood Plan 2006 shall continue and remain in full force and effect until duly completed or otherwise terminated in accordance with the rules which were in effect at the time of initiation (record date) of the initiative petition, other petition, hearing, investigation, or other proceeding.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: Organization, §§ 1-303(a), 1-304, 4-303, 5-102, 5-105, 7-201, 9-101(a)] [Eff]

Section 1-103. Severability. If any section or provision of this Neighborhood Plan or the application thereof to any person or circumstance is held to be invalid for any reason whatsoever, the invalidity shall not affect the remaining sections or provisions or applications of the Neighborhood Plan which can be given effect without the invalid section or provision or application. To this end, the sections or provisions of this Neighborhood Plan are declared to be severable.

[Auth: RCH §§ 4-105(4), 13-123, 14-101, 14-102, 14-103, 14-104, HRS § 91-16; Imp: RCH §§ 4-105(4), 13-123, 14-101, 14-102, 14-103, 14-104, HRS § 91-16; Hist: RNP 1986 §§ 1-11.1, 3-11.1, 4-13.1, 4-14.1; Para: None] [Eff]

Section 1-104. Force and Effect of Law. This Neighborhood Plan, as amended, and any rule thereof adopted, amended, revised, or repealed, when approved, promulgated, and filed as provided in Article 9 of the Neighborhood Plan shall have the force and effect of law.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS §§ 91-3, 91-4; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS §§ 91-3, 91-4; Hist: New; Para: §§ 9-101 to 9-104] [Eff

Section 1-201. To Obtain Information. (a) The public may obtain information as to the matters within the jurisdiction of the Neighborhood Commission by inquiring during regular business hours at:

The Neighborhood Commission Office OR The Office of the City Clerk City Hall, Room 400 City Hall, Room 100 530 South King Street 530 South King Street Honolulu, Hawaii Honolulu, Hawaii 96813 (808) 527-5749 Telephone Telephone (808) 523-4352 (808) 527-5760 Fax

E-mail nco@co.honolulu.hi.us Internet Website www.co.honolulu.hi.us

or at such other principal places of business as may be established by the Neighborhood Commission and the City & County of Honolulu.

(b) Inquiries may be made in person or by telephone during regular business hours, or by submitting a request for information in writing to the Neighborhood Commission Office by letter, fax, or e-mail.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(c) A directory of the members and officers of the Neighborhood Commission and each neighborhood board is maintained by the Neighborhood Commission Office and is available for public inspection.

(d) All Neighborhood Commission and neighborhood board rules, agendas, minutes of meetings, and other public documents are on file and available for public inspection at the Neighborhood Commission Office, or are otherwise retrievable through assistance from the Neighborhood Commission Office.

(e) Copies of the rules, agendas, minutes of meetings, and other public documents of the Neighborhood Commission and each neighborhood board are available to the public at a price fixed by law.

(f) Any person or agency that requests to receive notice of Neighborhood Commission or a specific neighborhood board's activities, meetings, or hearings shall be placed on an appropriate mailing list to be maintained by the Neighborhood Commission Office. The Neighborhood Commission Office shall duly distribute a copy of the appropriate meeting or hearing notices and agendas to those persons and agencies on the mailing list as an administrative service for the Neighborhood Commission and neighborhood boards. The Neighborhood Commission Office and neighborhood boards may periodically update the mailing list by inquiring whether those persons and agencies then included on the mailing list wish to continue to receive public notices of the Neighborhood Commission or that neighborhood board, and may remove from the mailing list any persons and agencies that do not respond to the inquiry.

[Auth: RCH §§ 4-105(4), 13-105, 14-101, 14-102, 14-103, 14-104, HRS § 91-2(a)(1); Imp: RCH §§ 4-105(4), 13-105, 14-101, 14-102, 14-103, 14-104, HRS § 91-2(a)(1); Hist: NCR §§ 2.1, 3.4, 4.1(b); RNP 1986 §§ 4-3.1, 4-3.2; Para: §§ 7-101, 7-306(e)] [Eff]

Section 1-301. Establishment of Neighborhoods and Neighborhood Boards.

(a) Section 14-101 of the Revised Charter of the City & County of Honolulu 1973 (2000 edition) establishes the Neighborhood Board System as follows:

Neighborhoods and neighborhood boards to increase and assure effective citizen participation in the decisions of government shall be established in accordance with a neighborhood plan. (Reso. 84-231)

(b) The establishment of the Neighborhood Board System is in furtherance of the Preamble of the Revised Charter of the City & County of Honolulu 1973 (2000 edition) which states:

We, the people of the City and County of Honolulu, accepting responsibility to seek to achieve in our time that righteousness by which the life of our land is preserved and to encourage and enable our people to participate in their governance, do hereby adopt this Charter of the City and County of Honolulu.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(c) The establishment of the Neighborhood Board System is also in furtherance of Section 2-102 of the Revised Charter of the City & County of Honolulu 1973 (2000 edition) regarding the purposes of the city, which states that:

All city powers shall be used to serve and advance the general welfare, health, happiness, safety and aspirations of its inhabitants, present and future, and to encourage their full participation in the process of governance.

[Auth: RCH §§ Preamble, 2-102, 4-105(4), 14-101; Imp: RCH §§ Preamble, 2-102, 4-105(4), 14-101; Hist: RNP 1986 §§ 1-1.1, 1-1.2; Para: Introduction] [Eff]

Section 1-302. Establishment of the Neighborhood Commission. (a) Section 14-102 of the Revised Charter of the City & County of Honolulu 1973 (2000 edition), as amended, establishes the Neighborhood Commission as follows:

There shall be a neighborhood commission which shall consist of nine members chosen from the city at large. The mayor shall appoint four members, at least two of whom shall have served on a neighborhood board for at least one full term. The presiding officer of the council, with the approval of the council, shall appoint four members, at least two of whom shall have served on a neighborhood board for at least one full term. The ninth member shall be appointed by the mayor and confirmed by the council. The ninth member shall have served on a neighborhood board for at least one full term.

The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment.

The commission shall act by majority vote of its membership and shall establish its own procedures. Commission members shall be compensated and reimbursed for their necessary expenses as provided by ordinance. The council shall appropriate funds to the neighborhood commission necessary for the performance of its official duties.

The terms of members initially appointed shall be for five years, and their successors shall serve for staggered terms of five years in the manner provided in Section 13-103(c) of this charter. (Reso. 83-357; 1992 General Election Charter Amendment Question No. 25; Reso. 04-18; 2004 General Election Charter Amendment Question No. 2)

(b) Sections 13-103(a) & (c) of the Revised Charter of the City & County of Honolulu 1973 (2000 edition) concerning boards and commissions establish the following:

Except as otherwise provided by this charter or by law, all boards and commissions established by this charter or by ordinance shall be governed by the following provisions:

(a) To be eligible for appointment to a board or commission, a person shall be a

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

duly registered voter of the city.

- (c) All appointed members shall serve for staggered terms of five years, and they shall serve until their successors have been appointed and qualified. No person shall serve on the same board for more than two consecutive full terms or for more than ten consecutive years, whichever is greater. The initial appointments shall be as follows:
 - (1) Five members: One member each to serve for five, four, three, two, and one year, respectively.
 - (2) Seven members: Two members to serve for five years, one member for four years, two members for three years, one member for two years, and one member for one year.
 - (3) Nine members: Two members each to serve for five, four, three, and two years, respectively, and one member for one year.

Each succeeding appointment shall be for a term ending five years from the date of the expiration of the term for which the predecessor had been appointed. (Reso. 83-357; 1992 General Election Charter Amendment Question Nos. 19 and 32A(2); Reso. 96-135)

(c) Section 13-101(4) of the Revised Charter of the City & County of Honolulu 1973 (2000) edition) concerning the definition of "officer" states that:

Except as otherwise provided in this charter, the term "officer" shall include the following:

- Members of the council, the mayor, the prosecuting attorney and the (a) managing director.
- (b) Any person appointed as administrative head of any agency of the city or as a member of any board or commission.
- Any person appointed by a board or commission as the administrative head of such agency.
- The first deputy, any other deputy, or a division chief appointed by the administrative head of any agency of the city.
- Deputies of the corporation counsel and the prosecuting attorney.

(Sec. 13-101, RCH 1973; Reso. 94-67 and 96-170)

(d) Section 6-1103(d) of the Revised Charter of the City & County of Honolulu 1973 (2000) edition) regarding civil service exemptions in the executive branch states that "positions of members of any board, commission or equivalent body" shall be exempt from the provisions of Article VI, Chapter 11 of the Charter pertaining to the Department of Human Resources and the civil service personnel administration system.

[Auth: RCH §§ 4-105(4), 6-1103(d), 13-101(4), 13-103(a) & (c), 13-110, 14-102, 16-105; Imp: RCH §§ 4-105(4), 6-1103(d), 13-101(4), 13-103(a) & (c), 13-110, 14-102, 16-105; Hist: New; Para: §§ 2-101, 3-101, 7-201, 7-301] [Eff

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Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Section 1-303. Powers, Duties, and Functions of the Neighborhood Commission.

(a) Section 14-103 of the Revised Charter of the City & County of Honolulu 1973 (2000 edition) establishes the powers, duties, and functions of the Neighborhood Commission as follows:

The neighborhood commission shall:

- (a) Develop, after public hearings, a neighborhood plan which shall be effective upon filing with the city clerk.
- (b) Review and evaluate the effectiveness of the neighborhood plan and neighborhood boards and report thereon.
- (c) Assist areas of the city in the formation and operation of their neighborhoods and neighborhood boards, upon their request.
- (b) Section 4-105(4) of the Revised Charter of the City & County of Honolulu 1973 (2000 edition) concerning the powers and duties of heads of executive agencies establishes the following:

Rules and regulations affecting the public as may be necessary to the performance of the functions assigned to executive agencies may be promulgated as authorized by this charter or by law. Such rules and regulations, after public notice and public hearing and upon approval by the mayor, shall have the force and effect of law. Each head of an executive agency shall file in the office of the city clerk not less than three copies of such rules and regulations. The rules and regulations may be amended or repealed by the same process required for original promulgation. (Reso. 83-357, 90-295 and 95-205)

(c) The Neighborhood Commission shall have the responsibility to establish policy for the Neighborhood Board System and provide oversight evaluation for the Neighborhood Commission Office and the Neighborhood Board System. The Neighborhood Commission shall not have responsibility or control over the administrative affairs or day-to-day operations of the Neighborhood Commission Office.

[Auth: RCH §§ 4-105(4), 13-106, 14-103; HRS §§ 91-3, 91-4; Imp: RCH §§ 4-105(4), 13-106, 14-103; HRS §§ 91-3, 91-4; Hist: New; Para: Constant Evaluation, §§ 1-304, 1-305(b), 7-102, 9-201] [Eff]

Section 1-304. The Neighborhood Plan. Section 14-104 of the Revised Charter of the City & County of Honolulu 1973 (2000 edition) establishes the purposes of the Neighborhood Plan as follows:

The neighborhood plan shall designate the boundaries of neighborhoods and provide procedures by which registered voters within neighborhoods may initiate and form neighborhoods and the manner of selection of the members of neighborhood boards, their terms of office and their powers, duties and functions.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

The plan may be amended by the commission, after public hearings to be held in various areas of the city, and amendments shall become effective upon filing with the city clerk.

[Auth: RCH §§ 4-105(4), 14-104; Imp: RCH §§ 4-105(4), 14-104; Hist: New; Para: §§ 1-303(a), 7-102, Articles 4, 5, 6, & 9] [Eff]

Section 1-305. Executive Secretary. (a) Section 14-105 of the Revised Charter of the City & County of Honolulu 1973 (2000 edition) establishes the position of the Executive Secretary as follows:

There shall be an executive secretary to the neighborhood commission who shall be appointed by the mayor and confirmed by the council, and may be removed by the mayor. (Reso. 95-261)

(b) The Executive Secretary shall report and answer to the Managing Director and the Mayor, and shall be responsible for: (1) the administration of the Neighborhood Board System, (2) assisting the Neighborhood Commission, (3) the administration of the Neighborhood Commission Office and staff, (4) directing all Neighborhood Board System elections, and (5) responding to inquiries from persons and agencies seeking information or review pursuant to Article XIV of the Charter and this Neighborhood Plan. See Section 3-401.

[Auth: RCH §§ 4-102, 4-105, 4-105(4), 5-103(a), 6-102, 14-101, 14-102, 14-103, 14-104, 14-105; Imp: RCH §§ 4-102, 4-105, 4-105(4), 5-103(a), 6-102, 14-101, 14-102, 14-103, 14-104, 14-105; Hist: New; Para: §§ 3-210(d), 3-401, 6-202, 7-102(g)] [Eff]

Section 1-306. Neighborhood Commission Office Procedures & Resource Materials. Pursuant to the responsibilities set forth in Section 1-305 and subject to the approval of the Managing Director or the Mayor, the Executive Secretary shall have the authority to prescribe such rules and regulations as are necessary for the organization and internal administration of the Neighborhood Commission Office, and may prepare any written, audiovisual, and electronic resource materials, guidebooks, guidelines, audiovisual recordings, websites, etc., for the benefit of the Neighborhood Board System participants and the public without giving public notice or holding public hearings.

[Auth: RCH §§ 4-105(3) & (4), 14-101, 14-103, 14-105; HRS § 91-1(4); Imp: RCH §§ 4-105(3) & (4), 14-101, 14-103, 14-105; HRS § 91-1(4); Hist: New; Para: § 1-305] [Eff]

Section 1-307. Records Management. (a) The Neighborhood Commission and Executive Secretary shall prepare, establish, and promulgate policies and procedures for the management and disposition of records created and received by the Neighborhood Commission Office, the Neighborhood Commission, and the neighborhood boards in

Page 20/104

DRAFT REVISED NEIGHBORHOOD PLAN 2006 PRELIMINARY CLEAN TEXT ONLY DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

accordance with Hawaii Revised Statutes Chapter 92F – Uniform Information Practices Act (Modified), and Article 9, Part 1 of this Neighborhood Plan.

(b) The members and officers of the Neighborhood Commission and each neighborhood board, upon the expiration of their terms of office or as otherwise appropriate, shall transfer all official records of the commission or board then in their possession to their duly qualified successors in office or the Neighborhood Commission Office in order to maintain and preserve the working records and archives of the commission and boards.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS § 91-3 & c 92F; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS § 91-3 & c 92F; Hist: New; Para: §§ 1-302, 1-303, 1-304, 1-305, 3-401] [Eff

Section 1-401. Standards of Conduct. (a) Section 11-101 of the Revised Charter of the City & County of Honolulu 1973 (2000 edition) declares the standards of conduct policy as follows:

Elected and appointed officers and employees shall demonstrate by their example the highest standards of ethical conduct, to the end that the public may justifiably have trust and confidence in the integrity of government. They, as agents of public purpose, shall hold their offices or positions for the benefit of the public, shall recognize that the public interest is their primary concern, and shall faithfully discharge the duties of their offices regardless of personal considerations.

 (b) Neighborhood board members are not officers or employees of the City & County of Honolulu under the Charter. However, the standards of conduct policy set forth in Section 1-401(a) shall apply to all neighborhood board members.

[Auth: RCH §§ 4-105(4), 11-101, 14-101, 14-102, 14-103, 14-104, Haw. Const. art. XIV; Imp: RCH §§ 4-105(4), 11-101, 14-101, 14-102, 14-103, 14-104, Haw. Const. art. XIV; Hist: New; Para: §§ 3-301, 3-302, 3-303, 7-103, 7-202, 7-701, 7-702, 7-703, 7-801] [Eff]

ARTICLE 2 GENERAL PROVISIONS

Section 2-101. Definitions.

2-201. Law Citations.

2-301. Computation of Time.

 2-302. Facsimile (Fax) or Electronic Signatures.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Section 2-101. Definitions. Subject to additional definitions contained in subsequent sections of this Neighborhood Plan which are applicable to specific Articles or Parts thereof, for the purposes of these rules, the words and phrases used herein are defined as follows.

"Agency" means any public governmental official, branch, department, division, office, authority, corporation, or other legal public governmental entity of any level (international, federal, state, county, or municipal) and of any character other than a person.

"Board" or "Neighborhood Board" means a duly formed, qualified, and authorized neighborhood board established in accordance with this Neighborhood Plan.

"Board Member" or "Neighborhood Board Member" means a member of a neighborhood board duly qualified and elected in accordance with this Neighborhood Plan.

"Business" includes a corporation, company, partnership, sole proprietorship, trust or foundation, or any other individual or organization carrying on a business, whether or not operated for profit.

"Charter" means the revised charter of the city and county of Honolulu 1973 (2000 edition), as amended.

"City" means the body politic and corporate by the name of "City and County of Honolulu."

"City Clerk" means the city clerk of the city and county of Honolulu. (See Section 3-301 of the Charter.)

"City Council" means the nine member legislative body of the city and county of Honolulu. (See Sections 3-101 and 3-102 of the Charter.)

"Commission" or "Neighborhood Commission" means the neighborhood commission of the city and county of Honolulu established pursuant to Section 14-102 of the Charter.

"Commission Member" or "Commissioner" or "Neighborhood Commission Member" or "Neighborhood Commissioner" means a member of the neighborhood commission duly qualified and appointed in accordance with Section 14-102 of the Charter.

"Delegate" means any person duly appointed by the neighborhood commission or a neighborhood board from among its membership to represent the commission or board in various matters as necessary and appropriate to perform its duties. (See Sections 3-215 & 7-504.)

"Duly Distribute" means to timely distribute by mail, messenger, fax, e-mail, or other appropriate means the meeting notices, agendas, minutes, and other written materials of the neighborhood commission and neighborhood boards to their respective members and those persons and agencies that have requested to receive notice of meetings,

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

hearings, or other activities of the neighborhood commission or specific neighborhood boards and are placed on a "mailing list."

"Executive Secretary" means the executive secretary of the neighborhood commission duly appointed in accordance with Section 14-105 of the Charter. (See Section 1-305.)

"Individual" means a natural person.

"Initiative Petition" means the document presented to the neighborhood commission by the residents in a neighborhood area for the purpose of establishing a neighborhood board pursuant to Section 14-104 of the Charter and this Neighborhood Plan.

"Legal Resident Alien" means any person who is not a citizen or national of the United States of America, but who is allowed under federal law to reside in the United States.

"Mailing List" means a compilation of names and addresses, maintained by the neighborhood commission office, of those persons and agencies that have requested to receive notice of meetings, hearings, or other activities of the neighborhood commission or specific neighborhood boards.

"Mayor" means the mayor of the city and county of Honolulu. (See Sections 4-101 and 5-103 of the Charter.)

"Meeting" means the convening of the commission or board at which a quorum is present and able to take action or to deliberate toward a decision upon a matter over which the commission or board has authority or advisory power.

"Military Personnel" means a member of the armed forces of the United States of America who is stationed within the city and county of Honolulu, including the person's spouse and dependents, if any, provided that they also reside within the city and county of Honolulu.

"Neighborhood Assistant" means a person employed by the city and county of Honolulu through the neighborhood commission office whose duties include providing administrative, elections, clerical, recording, and archival assistance to the neighborhood commission and neighborhood boards, and responding to inquiries from persons and agencies. The neighborhood assistant is duly authorized to administer oaths.

"Neighborhood Board" or "Board" means a duly formed, qualified, and authorized neighborhood board created by a neighborhood area's initiative petition filed with and formally accepted by the neighborhood commission in accordance with this Neighborhood Plan.

"Neighborhood Board Member" or "Board Member" means a member of a neighborhood board duly qualified and elected in accordance with this Neighborhood Plan.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

"Neighborhood Board System" means the entire organizational structure including the neighborhood commission, executive secretary, neighborhood commission office and staff, and neighborhood boards authorized and established pursuant to Article XIV of the Charter, this Neighborhood Plan, and the annual operating budget enacted by the city council and the mayor.

"Neighborhood Commission" or "Commission" means the neighborhood commission of the city and county of Honolulu established pursuant to Section 14-102 of the Charter.

"Neighborhood Commission Office" means the administrative, elections, clerical, recording, and archival support services agency under the direction of the executive secretary, established pursuant to Article XIV of the Charter, this Neighborhood Plan, and the annual operating budget enacted by the city council and the mayor. (See Section 1-305.)

"Neighborhood Commissioner" or "Commissioner" or "Neighborhood Commission Member" or "Commission Member" means a member of the neighborhood commission duly qualified and appointed in accordance with Section 14-102 of the Charter.

"Neighborhood Plan" means the neighborhood plan as defined by Section 14-104 of the Charter and as otherwise described in Article XIV of the Charter.

"Person" includes any private individual, partnership, firm, association, business, corporation, trust, estate, or other legal entity of any character other than an agency; except that for the purposes of Article 6 (Elections), **"person"** shall mean a private individual only.

"Quorum" means a majority of the total authorized number of members to which the commission, board, or any committee of the commission or board is entitled.

"Regular Meeting" means the convening of the commission or board at which a quorum is present and an established order of business is conducted. The acts and business of the commission or board shall include, but not be limited to, the approval of minutes of the previous meeting, reports of standing and ad hoc committees, presentations, unfinished business, and new business.

"Residence" means that place within the neighborhood district and subdistrict, as applicable, where a person's habitation is fixed, where the person intends to remain, and to where, whenever absent, the person intends to return.

"Resident" means a person who physically and legally dwells in a fixed place within the neighborhood district and subdistrict, as applicable.

"Special Meeting" means the convening of the commission or board at which a quorum is present, and the acts and business of the commission or board are confined to the specific matters stated in the meeting notice and agenda.

"Subdistrict" means a geographical subunit within the neighborhood district.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Note: See Article 4, Part 1 for definitions relating to neighborhood district boundaries, and Section 6-101 for additional definitions relevant to the Neighborhood Board System election process. See Section 1-302(c) for the definition of "officer". See Section 3-502(b) for the definition of "contested case". See Section 7-205(a) for the definition of "attendance at a neighborhood board meeting".

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104, 14-105; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104, 14-105; Hist: RNP 1986 §§ 1-2.1, 3-1.1, 4-1.1; NCR § 1.1; Para: §§ 1-302(c), 3-502(b), 4-101, 4-105, 6-101, 7-205(a)] [Eff]

Section 2-201. Law Citations. All references to other laws, statutes, ordinances, and rules contained herein are accurate as of the effective date of the Revised Neighborhood Plan 2006. All laws or rules may be amended from time to time by the appropriate legislative body or administrative authority, and such amendments shall apply to the appropriate provisions of this Neighborhood Plan. The public is advised to consult the latest editions or supplements of the respective laws or rules, as amended, to ensure the continued validity and accuracy of the citation and text.

[Auth: RCH § 4-105(4); Imp: RCH § 4-105(4); Hist: New; Para: None] [Eff]

Section 2-301. Computation of Time. (a) In computing any period of time prescribed or allowed by the Neighborhood Plan, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, or, when the act to be done is the filing of a document with the Neighborhood Commission Office, a day on which weather catastrophe or other unforeseen conditions or circumstances have made the Neighborhood Commission Office inaccessible or inoperative, in which event the period runs until the end of the next day which is not one of the aforementioned days.

- (b) In the event of unforeseen circumstances which may affect the election process timetable (e.g., weather catastrophe, power outage, computer failure, delay in the procurement process, delay in the arrival of election materials, or civil unrest), the timetable shall be deemed to be flexible in order that the election process may be postponed and then resumed from the point of interruption to reasonably complete the election process.
- (c) If a deadline day falls on a Saturday, a Sunday, or a legal holiday, the deadline shall be extended to the next calendar day which is not a Saturday, a Sunday, or a legal holiday.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: | [Eff]

Section 2-302. Facsimile (Fax) or Electronic Signatures. Any documents which are executed and signed, then transmitted by facsimile (fax) or any other electronic means to

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

the Neighborhood Commission Office or any staff member thereof, or to any member of the Neighborhood Commission or any neighborhood board, in fulfillment of any provision of this Neighborhood Plan shall be fully binding and effective for all purposes, whether or not any originally executed paper documents are delivered to the Neighborhood Commission Office or any other person stated in this section. Facsimile (fax) or electronic signatures on documents so transmitted shall be accepted and treated the same as original signatures.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: §§ 6-302(d), 6-303(d)] [Eff]

ARTICLE 3 RULES OF THE NEIGHBORHOOD COMMISSION

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18	Section	3-101.	Membership.
19		3-102.	Oath of Office.
20		3-103.	Attendance of Members.
21		3-104.	Absences and Removal Process; Resignation.
22		3-201.	Meetings.
23		3-202.	Executive Meetings.
24		3-203.	Meeting Notice and Agenda.
25		3-204.	Priority of Business.
26		3-205.	Meeting Minutes.
27		3-206.	Quorum and Majority Vote.
28		3-207.	Voting.
29		3-208.	Order and Decorum.
30		3-209.	Question of Order.
31		3-210.	Officers.
32		3-211.	Removal of an Officer.
33		3-212.	Officer Vacancy.
34		3-213.	Duties of Officers.
35		3-214.	
36		3-215.	Appointment of Delegates.
37		3-216.	Suspension of the Rules.
38		3-217.	Parliamentary Procedure Guidance.
39		3-301.	Conflicts of Interest.
40		3-302.	Disclosure of Interest.
41		3-303.	Political Activity.
42		3-304.	Acceptance of Gifts or Donations.
43		3-401.	Executive Secretary.
44		3-402.	Annual Report.
45		3-501.	Information and Review Process; Inquiries and Complaints.
46		3-502.	Contested Case Process.
47		3-503.	Sunshine Law Complaints.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Section 3-101. Membership. (a) The Neighborhood Commission shall consist of nine members chosen from the city at large in accordance with Section 14-102 of the Revised Charter of the City & County of Honolulu 1973 (2000 edition) (see RNP Section 1-302(a)).

(b) In accordance with Section 13-119 of the Charter, no person shall hold more than one public office or position under the city, except that city officers and employees shall not be precluded from membership on a neighborhood board. No person who holds a public office or position under the city shall concurrently serve as a member of the Neighborhood Commission.

[Auth: RCH §§ 4-105(4), 13-119, 14-101, 14-102, 14-103; Imp: RCH §§ 4-105(4), 13-119, 14-101, 14-102, 14-103; Hist: New; Para: §§ 1-302(a), 7-201] [Eff]

Section 3-102. Oath of Office. Upon appointment to the Neighborhood Commission in accordance with Section 14-102 of the Charter (see Section 1-302(a)), and before entering upon the duties of office, each member appointed shall take and subscribe to the following oath or affirmation before a person, including the Executive Secretary, duly qualified to administer oaths:

"I solemnly swear (or affirm) that I will faithfully support the Constitution and laws of the United States of America, the Constitution and laws of the State of Hawaii, and the Charter and laws of the City and County of Honolulu, and conscientiously and impartially discharge my duties as a Neighborhood Commissioner of the City and County of Honolulu."

[Auth: RCH §§ 4-105(4), 13-118, 14-102; Imp: RCH §§ 4-105(4), 13-118, 14-102; Hist: New; Para: §7-204] [Eff]

Section 3-103. Attendance of Members. (a) All members shall be expected to attend all duly noticed meetings of the commission. If a member cannot attend a meeting, the member should promptly notify the commission chair or Executive Secretary prior to the meeting.

- (b) A member shall be recorded in the minutes as being either present or absent; an absence shall not be deemed excused or unexcused. The minutes shall indicate the time of arrival and departure of each member during the course of the meeting. If a member is not present at the time of the call to order but subsequently arrives during the course of the meeting, then the minutes shall indicate that the member was "late."
- (c) If a member accumulates three absences from duly noticed commission meetings within a one year period, beginning July 1 and ending June 30, the commission shall address the matter and may recommend to the appointing authority the removal and replacement of the member pursuant to Section 3-104.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

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(d) The Executive Secretary and the commission chair shall keep a record of attendance of all commission members.

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[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Hist: New, NCR § 5.3; Para: §§ 3-104, 7-205, 7-206] [Eff

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Absences and Removal Process; Resignation. (a) When a commission Section 3-104. member accumulates three absences from duly noticed commission meetings within a one year period, beginning July 1 and ending June 30, the Executive Secretary shall issue a notice letter, to be sent by both United States registered or certified mail with return receipt requested and first class mail, to the commission member at the person's last known address, and provide a copy of the notice letter to the commission chair.

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(b) The notice letter shall: (1) advise the member of the accumulated three absences, and (2) direct the chair to place the matter of the member's absences on the commission's next regular meeting agenda for the commission's consideration of whether to take action to recommend to the appointing authority the removal and replacement of the member.

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A commission member who has accumulated three absences and been sent the Executive Secretary's notice letter shall have the opportunity to appear before the commission at its next duly noticed regular meeting to explain the circumstances of the absences and request to be retained on the commission. The member may choose not to attend the meeting, but in any case the commission may vote to recommend to the appointing authority the removal and replacement of the member. There is no automatic removal or disqualification of a commission member based solely on the number of the commissioner's absences.

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(d) If the commission member is retained, whether by vote or otherwise, and the member accumulates an additional three absences within the one year period beginning July 1 and ending June 30, the process set forth in subsections (a), (b), and (c) shall be repeated.

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(e) A commission member shall always have the option to resign from the seat held at any time and for any reason whatsoever. It is preferred that any notice of resignation be submitted in writing, state the effective date, and be directed to the commission chair, Executive Secretary, and appointing authority.

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[Auth: RCH §§ 4-105(4), 13-103(1), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 13-103(l), 14-101, 14-102, 14-103, 14-104; Hist: New, NCR § 5.3; Para: §§ 3-103, 7-205, 7-206] [Eff

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Meetings. (a) The Neighborhood Commission shall hold a regular meeting on a pre-established day of the month in not less than six of the twelve months within a one year period, beginning July 1 and ending June 30, and at no time shall more than two consecutive months elapse between regular meetings. The commission shall

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

conduct an annual meeting to be held in July for the purposes of the election of officers, presentation of an annual review of the Neighborhood Board System, and consideration of any other business as necessary and appropriate.

- (b) Special meetings may be called at any time by the chair or a majority of the entire membership of the commission. The business and actions of the commission at a special meeting shall be strictly limited to the agenda.
- (c) All commission meetings shall be open public meetings held within the City and County of Honolulu.
- (d) The recording of all or any part of Neighborhood Commission meetings by any person by means of any audiovisual technology shall be allowed, subject to the limitations set forth in Hawaii Revised Statutes Sections 92-3, 92-4, and 92-9. [(See Appendix A2.)]
- [(d)] (e) The commission shall comply with Hawaii Revised Statutes Chapter 92 the "Sunshine Law." [(See Appendix A2.)]

[Auth: RCH §§ 4-105(4), 13-103, 14-101, 14-102, 14-103; HRS c 92 & § 92-3; Imp: RCH §§ 4-105(4), 13-103, 14-101, 14-102, 14-103; HRS c 92 & § 92-3; Hist: NCR § 5.1(a) & (b); Para: §§ 7-102(c), 7-303, 7-304, Appendix A4] [Eff]

Section 3-202. Executive Meetings. The Neighborhood Commission may hold an executive meeting closed to the public upon an affirmative vote, taken at an open meeting, of two-thirds of the members present; provided the affirmative vote constitutes a majority of all of the members to which the commission is entitled. A closed executive meeting shall be limited to matters exempted by Hawaii Revised Statutes Section 92-5. The reason for holding a closed executive meeting shall be publicly announced, and the vote of each member on the question of holding a closed executive meeting shall be recorded and entered into the minutes of the meeting.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS § 92-4; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS § 92-4; Hist: New; Para: § 7-305] [Eff]

- **Section 3-203. Meeting Notice and Agenda.** (a) The Neighborhood Commission shall give written public notice of any and all regular, special, or rescheduled meetings, or any executive meeting when anticipated in advance. The notice shall state the day, date, time, and place of the meeting, and include an agenda which lists all of the items to be considered. In the case of an executive meeting, the purpose shall be stated on the agenda.
- (b) The meeting notice and agenda shall be prepared by the chair or presiding officer, shall be filed with the office of the city clerk and the Neighborhood Commission Office for public inspection at least six calendar days before the meeting, and shall be duly distributed to those persons and agencies that have requested to receive notice of meetings not less than

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

six calendar days prior to the scheduled meeting. The notice and agenda shall also be posted at the site of the meeting whenever feasible.

- (c) Each commission member shall be sent a meeting notice and agenda by mail not less than six calendar days prior to the scheduled meeting. Notice of the meeting shall also be given by telephone by the presiding officer or Executive Secretary to each commission member. Members may also request receipt of meeting notices and agendas by fax, e-mail, or other reasonable means.
- (d) Once filed with the city clerk, no item may be added to the agenda for that duly noticed meeting except by a recorded affirmative vote of two-thirds of the members present; provided the affirmative vote constitutes a majority of the members to which the commission is entitled; and provided further that no item shall be added to the agenda in this manner if it is of reasonably major importance and action thereon by the commission will affect a significant number of persons.
- (e) The Neighborhood Commission Office shall maintain an updated list of names and addresses of persons and agencies that request to receive notification of the meetings of the commission and its committees, and shall duly distribute a copy of the meeting notice and agenda to those persons and agencies as an administrative service for the commission.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS § 92-7; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS § 92-7; Hist: New; Para: §§ 1-201(f), 3-201(d), 7-101(f), 7-102(c), 7-303(c), 7-304, 7-306] [Eff]

Section 3-204. Priority of Business. (a) The commission may, by request of the presiding officer, a member, or by vote, designate any matter properly placed on the agenda to be a special order of business, which shall take precedence over all other business.

(b) All questions relating to the priority of business to be acted upon by the commission shall be decided without debate.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Hist: ; Para: § 7-307] [Eff]

Section 3-205. Meeting Minutes. (a) The commission shall keep written minutes of all meetings. Unless otherwise required by law, neither a full transcript nor a recording of the meeting is required, but the written minutes shall give a true reflection of the matters discussed at the meeting and the views expressed by the members and participants. The minutes shall include, but need not be limited to:

- (1) The day, date, time, and place of the meeting;
- (2) The members of the commission recorded as either present or absent;
- (3) The substance of all matters proposed, discussed, or decided; and a record, by individual member, of any votes taken; and

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(4) Any other information relevant to the duties or activities of the commission that any member of the commission requests be included or reflected in the minutes.

(b) The minutes shall be public records and shall be available for review within thirty (30) calendar days after the meeting, except when such disclosure would be inconsistent with Hawaii Revised Statutes Section 92-5; provided that minutes of executive meetings may be withheld so long as their publication would defeat the lawful purpose of the executive meeting, but no longer.

- (c) Draft meeting minutes shall be prepared by the Neighborhood Commission Office staff and shall be reviewed by the chair or, in the absence of the chair, the vice chair or chair pro tem prior to publication and distribution to the commission members and persons and agencies on the mailing list.
- (d) If a quorum is not attained at a meeting, the meeting notes shall be considered a memorandum for the record and not minutes.
- (e) All actions to approve or to amend and approve the minutes shall take place only at a duly noticed meeting of the commission.
- (f) All meeting notices, agendas, minutes, and memorandums for the record shall be public records.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS § 92-9; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS § 92-9; Hist: NCR § 5.1(c) & (d); Para: §§ 3-206, 7-308, 7-601] [Eff]

Section 3-206. Quorum and Majority Vote. (a) The presence of a majority of all the members to which the commission is entitled shall constitute a quorum.

- (b) No action shall be taken by the commission at any meeting unless a quorum is present. The affirmative vote of not less than the majority of the entire membership to which the commission is entitled shall be necessary to take any action. Unless an executive meeting, such action shall be made only at a duly noticed meeting open to the public.
- (c) So long as a commission member is present within the meeting place during the time of the meeting, the member shall be counted for the purpose of determining quorum.
- (d) If a quorum is not present at the duly noticed meeting time, the presiding officer shall be allowed to call the meeting to order for the purposes of making announcements, hearing agency and community input, providing issue updates, and hearing presentations. No action shall be taken by the commission until a quorum is attained. If a quorum is not attained, the meeting notes shall be considered a memorandum for the record and not minutes.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

[Auth: RCH §§ 4-105(4), 13-103, 14-101, 14-102, 14-103, 14-104; HRS § 92-15; Imp: RCH §§ 4-105(4), 13-103, 14-101, 14-102, 14-103, 14-104; HRS § 92-15; Hist: NCR § 5.2; RNP 1986 § 4-7.5; Para: §§ 3-205, 7-308, 7-601] [Eff]

Section 3-207. Voting. (a) All Neighborhood Commission meetings shall be open to the public and every vote taken by the commission shall be by open ballot. The vote of each commission member shall be recorded in the meeting minutes.

(b) All members of the commission shall be entitled and qualified to vote at all times on the one person, one vote principle.

(c) There shall be four voting methods allowed in order to ascertain the decision of the commission upon any matter: roll call; by show of hands; by voice vote; and by unanimous consent. The members shall vote in the affirmative, negative, or may abstain. A member may choose to be recused on any matter with sufficient reason to avoid a conflict of interest, provided the reason is disclosed and announced to the commission.

(d) In order to participate in the vote on any matter, a member shall be personally present at the time the vote is taken. No proxy shall be allowed.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS § 92-3; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS § 92-3; Hist: NCR § 5.7, RNP 1986 § 4-7.6; Para: § 7-602] [Eff]

 Section 3-208. Order and Decorum. (a) It shall be the duty of all commission members to promote and preserve the order and decorum of the commission's proceedings.

(b) The commission may suspend, for a period of not more than thirty calendar days, any member for disorderly or contemptuous behavior in its presence, upon an affirmative vote of at least two-thirds of its entire membership.

(c) The presiding officer alone, or the commission acting by a majority vote, may expel from the meeting place any person who is guilty of disorderly, contemptuous, or improper conduct at any meeting.

[Auth: RCH §§ 3-107(4), 4-105(4), 14-101, 14-102, 14-103; Imp: RCH §§ 3-107(4), 4-105(4), 14-101, 14-102, 14-103; Hist: ; Para § 7-608] [Eff]

Section 3-209. Question of Order. A question of order may be raised at any stage of the proceedings, except when votes are being counted. The question shall be decided by the presiding officer without debate, subject to an appeal to the commission.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Hist: ; Para § 7-609] [Eff]

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

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1 2 3 Section 3-210. **Officers.** (a) The officers of the commission shall consist of the chair, 4 one or more vice chairs, and any other officers the commission may determine to conduct 5 its business. 6 7 (b) The chair and all other officers shall be elected annually by and from the membership of 8 the commission. Each officer shall be elected at a duly noticed meeting by a majority vote 9 of the entire membership to which the commission is entitled. See Section 3-201(a). 10 11 (c) The term of an officer shall be for one year, beginning in July and ending the following 12 June, or until the election of a successor. 13 14 (d) The Executive Secretary shall fulfill ex officio the usual duties of a secretary and 15 treasurer. 16 17 [Auth: RCH §§ 4-105(4), 13-103, 14-101, 14-102, 14-103; Imp: RCH §§ 4-105(4), 13-103, 18 14-101, 14-102, 14-103; Hist: NCR § 5.4(a); Para: §§ 3-213, 7-401, 7-404] [Eff 19 20 21 22 Section 3-211. Removal of an Officer. Any action to remove an officer, with or 23 without cause, shall occur only at a duly noticed meeting of the commission and shall 24 require a majority vote of the entire membership to which the commission is entitled. 25 26 [Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 27 14-102, 14-103, 14-104; Hist: ; Para: § 7-402] [Eff 28 29 30 31 Section 3-212. **Officer Vacancy.** (a) In the event the office of chair becomes vacant for 32 any reason prior to the expiration of the term of office, the vice chair shall serve as the 33 temporary presiding officer until a successor is elected to serve the remainder term of the 34 chair. 35 36 (b) When a vacancy in any officer position occurs, the commission members shall promptly 37 elect a successor at a duly noticed meeting of the commission. The meeting agenda shall 38 indicate the intent to fill the vacancy in an officer position. Each officer shall be elected by 39 a majority vote of the entire membership to which the commission is entitled. 40 commission member elected to an officer vacancy shall serve the remainder term for that 41 office. 42 43 [Auth RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 44 14-102, 14-103, 14-104; Hist: NCR § 5.4(b); Para: § 7-403] [Eff 45 46

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Section 3-213. Duties of Officers. (a) **Presiding Officer.** The chair shall be the presiding officer of the commission. In the absence or disability of the chair, the vice chair shall act as the presiding officer. If both the chair and vice chair are absent or otherwise disabled, the commission may elect a chair pro tem to temporarily serve as the presiding officer.

- (b) **Chair.** It shall be the duty of the chair to:
 - (1) Serve as the spokesperson and representative of the commission;
 - (2) Prepare the agenda;
 - (3) Review the draft meeting minutes prior to distribution to the members and mailing list;
 - (4) Open all meetings of the commission at the appointed time by taking the chair and calling the commission to order;
 - (5) Call for the approval of the minutes of the preceding meeting when a quorum shall be present;
 - (6) Maintain order and proper decorum, with the assistance of all commission members;
 - (7) Make known all rules of order when so requested, and to decide all questions of order, subject to an appeal to the commission;
 - (8) Make known all rules of the Neighborhood Board System when necessary or requested;
 - (9) Vote on all matters except when the chair is recused or is otherwise unable to vote;
 - (10) Announce the business before the commission;
 - (11) Receive and submit all appropriate matters properly brought before the commission, to call for votes upon the same, and to announce the results;
 - (12) Receive and promptly present or report all communications to the commission;
 - (13) Create appropriate committees and appoint and remove all committee chairs and members, unless otherwise directed by the commission;
 - (14) Appoint all commission delegates, unless otherwise directed by the commission;
 - (15) Refer matters to committees as appropriate;
 - (16) Authenticate by signature all acts of the commission as may be required;
 - (17) Assist the Neighborhood Assistant with the preparation of accurate minutes and maintenance of records of the commission's proceedings; and
 - (18) Perform any other duties as may be assigned by the commission, may properly appertain to the office, or may be required by law.
- (c) **Vice Chair.** It shall be the duty of the vice chair to:
 - (1) Assist the chair with conducting meetings and the administration of the commission's activities;
 - (2) Serve as the presiding officer and perform all duties and exercise all powers of the chair in the absence or disability of the chair;
 - (3) Assist the Neighborhood Assistant with the preparation of accurate minutes and the maintenance of records of the commission's proceedings; and
 - (4) Perform such other duties as may be assigned by the commission.

(d) **Other Officers.** The duties of any other officers determined by the commission to assist with the conduct of its business shall be as directed by the commission.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

[Auth: RCH §§ 4-105(4), 14-101, 14-102,	14-103; Imp: RCH §§ 4-105(4), 14-101, 14-	102,
14-103; Hist: NCR § 5.5; Para: § 7-404] [Eff		

Section 3-214. Committees. (a) The commission may establish standing and ad hoc committees from among its membership and the public as necessary and appropriate to perform its duties.

- (b) The chair of a committee shall be a member of the commission. The committee chair shall be appointed and may be removed by the commission chair, unless otherwise directed by the commission. Subject to reasonable limitations which may be imposed by direction of the commission, membership on a committee shall be open to all other interested persons who are eligible and encouraged to participate, without regard to place of residence consistent with the purpose of the Neighborhood Board System to increase and assure effective citizen participation in the decisions of government.
- (c) All committees shall comply with Hawaii Revised Statutes Chapter 92 the "Sunshine Law"; duly prepare meeting notices, agendas, and minutes; and hold meetings at places reasonably accessible to the public. Committee meeting notices and agendas shall be duly distributed to the commission members and persons and agencies on the mailing list.
- (d) The manner of committee conduct and decision making, whether by consensus, voting, or some other means, may be established by the commission or committee.
- (e) Committees shall report to the full commission at duly noticed meetings their activities, findings, recommendations, and the means by which any recommendations were determined.
- (f) No committee may speak for the commission. Any and all formal action by the commission shall only be taken at a duly noticed meeting by a majority vote of the entire membership to which the commission is entitled.
- (g) The presiding officer of any committee of the commission or a majority of the committee present may expel from the committee meeting any person who is guilty of disorderly, contemptuous, or improper conduct at any committee meeting.

[Auth: RCH §§ 3-107(6), 4-105(4), 14-101, 14-102, 14-103; Imp: RCH §§ 3-107(6), 4-105(4), 14-101, 14-102, 14-103; Hist: NCR § 5.6, RNP 1986 § 4-6.1; Para: §§ 7-501, 7-502, 7-503] [Eff]

Section 3-215. Appointment of Delegates. (a) The commission may appoint delegates from among its membership and the public to represent the commission in various matters as necessary and appropriate to perform its duties. The commission, at the time of appointment of a delegate, shall define the scope of representation granted and duties assigned to the delegate.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(b) Delegates may be appointed by the commission chair, unless otherwise directed by the commission.

(c) Delegate responsibilities may include, but not be limited to, information gathering, attendance of various group meetings, evaluation of matters presented to the commission, and initiation of proposals for the consideration of the full commission.

(d) Delegates shall report to the commission at duly noticed meetings their activities, findings, recommendations, and the means by which any recommendations were determined.

(e) No delegate may speak for the commission or exceed the scope of representation granted by the commission. Any and all formal action by the commission shall only be taken at a duly noticed meeting by a majority vote of the entire membership to which the commission is entitled.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Hist: New; Para: §§ 3-213(b)(14), 3-214, 7-504] [Eff]

Section 3-216. Suspension of the Rules. The commission may vote to suspend any portion of these rules which is not specifically required by statute or ordinance, provided that no rules relating to jurisdictional matters shall be waived or suspended by the commission. Adoption of a motion to suspend any rule shall require a recorded two-thirds majority vote of all members to which the commission is entitled.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Hist: New; Para: § 7-605] [Eff]

Section 3-217. Parliamentary Procedure Guidance. The rules of parliamentary procedure as set forth by Robert's Rules of Order Newly Revised, as amended, shall guide the commission when the Hawaii Revised Statutes, the Charter, the Rules of the Neighborhood Commission, and the Neighborhood Plan as a whole are silent.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: NCR § 5.9, RNP 1986 §§ 1-8.2, 4-11.1; Para: § 7-612] [Eff]

Section 3-301. Conflicts of Interest. No commission member shall:

(a) Solicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, favor, service, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the commission member in the performance of the member's official duties. Nothing herein shall preclude the solicitation or acceptance of lawful contributions for election campaigns.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(b) Disclose confidential information gained by reason of the commission member's office or position, or use such information for the personal gain or benefit of anyone.

 (c) Engage in any business transaction or activity, or have a financial interest, direct or indirect, which is incompatible with the proper discharge of a commission member's official duties or which may tend to impair the independence of judgment in the performance of the member's official duties.

(d) Receive any compensation for the member's services as an officer of the city from any source other than the city, except as otherwise provided by the Charter or by ordinance.

(e) Represent private interests in any action or proceeding against the interests of the city or appear in behalf of private interests before any agency, except as otherwise provided by law.

[Auth: RCH §§ 4-105(4), 11-102, 13-101(4), 14-101, 14-102, 14-103; HRS § 84-11; Imp: RCH §§ 4-105(4), 11-102, 13-101(4), 14-101, 14-102, 14-103; HRS § 84-11; Hist: New; Para: § 7-701] [Eff]

Section 3-302. Disclosure of Interest. (a) Any commission member who possesses or who acquires such interests as might reasonably tend to create a conflict with the public interest shall make full disclosure in writing to such person's appointing authority and to the ethics commission, at any time such conflict becomes apparent. Such disclosure statements shall be made a matter of public record and be filed with the city clerk.

(b) Any commission member who knows he or she has a personal or private interest, direct or indirect, in any proposal before the commission shall disclose such interest either orally or in writing to the commission. Such disclosure shall be made a matter of public record prior to the taking of any vote on such proposal and recorded in the meeting minutes. The disclosure shall be applicable to all subsequent actions relating to the same subject matter.

(c) No commission member who makes any disclosure of interest shall be disqualified from voting on actions relating to that subject matter, but the member may choose to abstain from voting or to be recused.

[Auth: RCH §§ 4-105(4), 11-103, 14-101, 14-102, 14-103; Imp: RCH §§ 4-105(4), 11-103, 14-101, 14-102, 14-103; Hist: NCR § 5.8, RNP 1986 § 4-10.2; Para: § 7-702] [Eff]

Section 3-303. Political Activity. (a) The Neighborhood Commission and its members shall not use the official commission title or position to:

(1) Endorse a candidate for elective public office; or

 (2) Engage in any political activity which could reasonably be implied to endorse or support a candidate for elective public office.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

1 (b) Proper decorum as a commission member shall be to refrain from any conduct at a commission meeting to overtly promote one candidate over another.

(c) This section shall not be deemed to preclude the right of any commission member, while not engaged in the performance of the commission member's scope of official duties, to engage in these political activities as a private citizen.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; Hist: ; Para: §§ 7-202, 7-703] [Eff]

Section 3-304. Acceptance of Gifts or Donations. (a) The Neighborhood Commission may accept gifts or donations of money, supplies, equipment, other personal property, refreshments, and professional services as appropriate in furtherance of its duties and functions, so long as no conflict of interest is created (see Section 3-301) and such gifts or donations are promptly disclosed and reported to the Executive Secretary.

(b) The Executive Secretary shall periodically submit a compiled report to the City Council for action in accordance with Section 13-113 of the Charter.

[Auth: RCH §§ 4-105(4), 13-113, 14-101, 14-102, 14-103, 14-105; Imp: RCH §§ 4-105(4), 13-113, 14-101, 14-102, 14-103, 14-105; Hist: New; Para: §§ 3-301, 7-704] [Eff

Section 3-401. Executive Secretary. (a) The Executive Secretary shall report and answer to the Managing Director and the Mayor, and shall be responsible for: (1) the administration of the Neighborhood Board System, (2) assisting the Neighborhood Commission, (3) the administration of the Neighborhood Commission Office and staff, (4) directing all Neighborhood Board System elections, and (5) responding to inquiries from persons and agencies seeking information or review pursuant to Article XIV of the Charter and this Neighborhood Plan. See Section 1-305.

(b) The Executive Secretary shall receive all communications directed to the Neighborhood Commission at the Neighborhood Commission Office and promptly present all such communications to the commission chair and members, unless otherwise agreed by the Executive Secretary and the commission.

(c) The Executive Secretary shall make known all rules and guidelines of the Neighborhood Board System when necessary or requested.

(d) As a matter of protocol, all inquiries by the commission, neighborhood boards, and their members directed to the Department of the Corporation Counsel shall be submitted through the Executive Secretary, unless otherwise directed by the Corporation Counsel.

(e) The Executive Secretary shall perform any other duties as may be duly assigned by the Managing Director or the Mayor, by the commission, may be set forth in this Neighborhood Plan, may properly appertain to the office, or may be required by law.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

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(g) The Neighborhood Commission may seek any additional relevant information in order to 48 provide a sufficient basis for the thorough and prompt consideration and disposition of any 49 matter.

[Auth: RCH §§ 4-105(4), 5-203, 6-102, 14-101, 14-102, 14-103, 14-104, 14-105; Imp: RCH §§ 4-105(4), 5-203, 6-102, 14-101, 14-102, 14-103, 14-104, 14-105; Hist: New; Para: §§ 1-305, 3-210(d), 6-202, 7-102(g)] [Eff

Section 3-402. Annual Report. The Neighborhood Commission, through the Executive Secretary, shall make an annual written report of its activities to the Mayor not later than ninety calendar days after the close of the fiscal year on June 30. The report shall be prepared in such form and under such rules as the Mayor may prescribe.

[Auth: RCH §§ 4-105(4), 13-104(1), 14-101, 14-102, 14-103, 14-105; Imp: RCH §§ 4-105(4), 13-104(1), 14-101, 14-102, 14-103, 14-105; Hist: New; Para: None [Eff

Section 3-501. Information and Review Process; Inquiries and Complaints. (a) Any person or agency may seek information concerning any aspect of the Neighborhood Board System, the review of any Neighborhood Commission or neighborhood board action or activity, or the action or activity of any Neighborhood Commission member or neighborhood board member by directing inquiries and complaints, either orally or in writing, to the Executive Secretary.

- (b) If information is sought, the Executive Secretary shall respond as expeditiously as practicable.
- (c) If the review of an action or activity is sought, the Executive Secretary shall respond within ten working days, and, if desired by the party seeking the review, shall complete a written response to that party within fifteen working days.
- (d) The Executive Secretary in all matters shall promptly report to the Neighborhood Commission on the information and review inquiries received, the nature and the disposition of those inquiries, and any recommendations for improvements to the Neighborhood Board System and its governing rules which may be suggested as a result.
- (e) If the person or agency that submitted the inquiry is not satisfied with the Executive Secretary's response, that person or agency may request further review of the matter by the Neighborhood Commission. The Neighborhood Commission shall, subject to the agenda filing deadline of Section 3-203(b), place the matter on its agenda for consideration at its next regular meeting. Alternatively, the Neighborhood Commission may call a special meeting to consider the matter.
- (f) The Neighborhood Commission may review any matter as a committee of the whole or it may appoint an ad hoc review committee to consider a particular matter.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(h) The Neighborhood Commission shall make a determination in order to resolve the matter in the best interests of fairness, adherence to the rules of law and this Neighborhood Plan, and to provide policy and administrative guidance for the Neighborhood Board System. The Neighborhood Commission may determine or otherwise recommend appropriate actions or remedies in order to properly and fairly dispose of the matter, and reserves the power to impose sanctions equal in measure or extent to the significance or seriousness of the matter. The Neighborhood Commission shall have the power to remove a neighborhood board member or officer, pursuant to the sanction provisions of this Neighborhood Plan (Section). [Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS § 92-7; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS § 92-7; Hist: RNP 1986 § 1-10.11; Para: §§ 3-502, 3-503] [Eff Section 3-502. **Contested Case Process.** (a) The contested case process provided by Hawaii Revised Statutes Chapter 91 shall be used when necessary by the Neighborhood Commission, subject to the limitation stated in Section 3-503. (b) A "contested case" means a proceeding in which the legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for agency hearing. (c) Any request for a contested case proceeding in accordance with Hawaii Revised Statutes Section 91-9 shall be in writing, state the particulars therefor, and be signed by the party making the request. [Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS §§ 91-1(5), 91-9; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103; HRS §§ 91-1(5), 91-9; Hist: New; Para: §§ 1-302(c), 2-101, 3-501, 3-503, 4-101, 4-105, 6-101, 7-205(b)] [Eff Section 3-503.

Section 3-503. Sunshine Law Complaints. (a) Any complaint by a person or agency alleging the failure of the commission or of any neighborhood board to comply with Hawaii Revised Statutes Chapter 92 -- Public Agency Meetings and Records (the "Sunshine Law"), may be filed with the Director of the Office of Information Practices, State of Hawaii, in accordance with HRS Section 92-1.5. The complainant is requested to promptly deliver a copy of any such duly filed complaint to the Executive Secretary, who shall in turn promptly provide a copy to the Corporation Counsel.

 (b) This section shall not preclude a person or agency from using the information and review process set forth in Section 3-501.

[Auth: RCH §§ 4-105(4), 5-205, 14-101, 14-102, 14-103, 14-104, 14-105; HRS § 92-1.5; Imp: RCH §§ 4-105(4), 5-205, 14-101, 14-102, 14-103, 14-104, 14-105; HRS § 92-1.5; Hist: New; Para: §§ 3-501, 3-502] [Eff]

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

1			ARTICLE 4			
2	NEIGHBORHOOD GEOGRAPHY					
3						
4	Section	4-101.	Neighborhood Boundary Definitions.			
5		4-102.	Boundary Establishment Standards.			
6		4-103.	Neighborhood Boundary Maps.			
7		4-104.	Informational Boundary Maps.			
8		4-105.	"Date Formed" Definition.			
9		4-201.	Hawaii Kai Neighborhood Board No. 1.			
10		4-202.	Kuliouou/Kalani Iki Neighborhood Board No. 2.			
11		4-203.	Waialae/Kahala Neighborhood Board No. 3.			
12		4-204.	Kaimuki Neighborhood Board No. 4.			
13		4-205.	Diamond Head/Kapahulu/St. Louis Heights			
14			Neighborhood Board No. 5.			
15		4-206.	Palolo Neighborhood Board No. 6.			
16		4-207.	Manoa Neighborhood Board No. 7.			
17		4-208.	McCully/Mo`ili`ili Neighborhood Board No. 8.			
18		4-209.	Waikiki Neighborhood Board No. 9.			
19		4-210.	Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10.			
20 21		4-211. 4-212.	Ala Moana/Kakaako Neighborhood Board No. 11.			
22		4-212. 4-213.	Nuuanu/Punchbowl Neighborhood Board No. 12. Downtown Neighborhood Board No. 13.			
23		4-213. 4-214.	Liliha/Puunui/Alewa/Kamehameha Heights			
24		т-41т.	Neighborhood Board No. 14.			
25		4-215.	Kalihi/Palama Neighborhood Board No. 15.			
26		4-216.	Kalihi Valley Neighborhood Board No. 16.			
$\frac{25}{27}$		4-217.	Moanalua Neighborhood District No. 17.			
28		4-218.	Aliamanu/Salt Lake/Foster Village Neighborhood Board No. 18.			
29		4-219.	Airport Area Neighborhood District No. 19.			
30		4-220.	Aiea Neighborhood Board No. 20.			
31		4-221.	Pearl City Neighborhood Board No. 21.			
32		4-222.	Waipahu Neighborhood Board No. 22.			
33		4-223.	Ewa Neighborhood Board No. 23.			
34		4-224.	Waianae Coast Neighborhood Board No. 24.			
35		4-225.	Mililani/Waipio/Melemanu Neighborhood Board No. 25.			
36		4-226.	Wahiawa Neighborhood Board No. 26.			
37		4-227.	North Shore Neighborhood Board No. 27.			
38		4-228.	Koolauloa Neighborhood Board No. 28.			
39		4-229.	Kahalu`u Neighborhood Board No. 29.			
40		4-230.	Kaneohe Neighborhood Board No. 30.			
41		4-231.	Kailua Neighborhood Board No. 31.			
42		4-232.	Waimanalo Neighborhood Board No. 32.			
43		4-233.	Mokapu Neighborhood District No. 33.			
44 45		4-234.	Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34.			
45 46		4-235. 4-301.	Mililani Mauka/Launani Valley Neighborhood Board No. 35. Neighborhood Boundary Amendments.			
40 47		4-301. 4-302.	Commission Consideration Process.			
48		4-302. 4-303.	Reservation of Commission Powers.			
4 9		4-304.	Amendment Moratorium.			
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Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Section 4-101. Neighborhood Boundary Definitions. The neighborhood district boundaries and their geographical definitions shall be established as set forth in Article 4, Part 2. [Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 §§ 1-3.1, 2-2.1; Para: §§ 1-302(c), 2-101, 3-502(b), 4-105, 6-101, 7-205(b)] [Eff

Section 4-102. Boundary Establishment Standards. (a) The Neighborhood Commission shall use the following standards for the establishment of neighborhood district boundaries[. The commission shall also use these standards as guidelines for its periodic review of neighborhood district boundaries, for the granting of amendments, and for all other boundary changes and adjustments.]:

(1) Neighborhoods shall be established within the City & County of Honolulu on the island of Oahu only.

(2) No neighborhood district boundary shall be so drawn as to unduly favor a person, community, entity, or political faction.

(3) Neighborhoods, insofar as practicable, shall be contiguous and compact.

(4) Neighborhood district boundaries shall, where possible, follow permanent and easily recognized features, such as streets, streams, and clear geographical features, and, when practicable, coincide with census tract, precinct, or other useful administrative boundaries.

(5) The neighborhoods as a whole shall coincide so far as feasible with Oahu's historic communities. Where practicable, submergence of an area in a larger neighborhood wherein substantially different socio-economic interests predominate shall be avoided.

(b) The commission shall also use the standards set forth in subsection (a) as guidelines for its periodic review of neighborhood district boundaries, for the granting of amendments, and for all other boundary changes and adjustments.

[Auth: RCH §§ 1-102, 3-103(3), 4-105(4), 14-101, 14-102, 14-103, 14-104; Haw. Const. art. IV, § 6; Imp: RCH §§ 1-102, 3-103(3), 4-105(4), 14-101, 14-102, 14-103, 14-104; Haw. Const. art. IV, § 6; Hist: RNP 1986 § 1-3.2; Para: None] [Eff]

Section 4-103. Neighborhood Boundary Maps. (a) The neighborhood district boundaries in accordance with the geographical definitions set forth in Article 4, Part 2 shall be delineated on the official neighborhood boundary maps, as amended.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

1 (b) See **Map 1** and **Map 2**, both effective on June 1, 1999 and as amended on May 9, 2000. 2 The maps shall be revised as necessary in accordance with any amendments made to the neighborhood district boundary descriptions in Article 4, Part 2.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 §§ 1-3.1, 2-1.1; Para: None] [Eff]

Section 4-104. Informational Boundary Maps. More detailed boundary maps and the geographical definitions for each neighborhood district and neighborhood subdistrict as established by this Neighborhood Plan and the respective initiative petitions, as amended, are set forth in the separate publication titled "Informational Boundary Maps", as amended, prepared by the Neighborhood Commission Office and incorporated by reference herein.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: None] [Eff]

Section 4-105. "Date Formed" Definition. (a) As used in Article 4, "date formed" means the calendar date on which the Neighborhood Commission formally took action by the adoption of a resolution to accept the respective neighborhood area residents' initiative petition to establish a Neighborhood Board.

(b) Additional information stated after the date formed indicates amendments or other actions made by the Neighborhood Commission in relation to a neighborhood district boundary description or other geographic or organizational matters affecting that specific neighborhood board.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: §§ 1-302(c), 2-101, 3-502(b), 4-101, 6-101, 7-205(b)] [Eff]

NOTE A: Material <u>underlined</u> and in <u>bold</u> or within bold [brackets] in the Ramseyer sections of neighborhood district boundary descriptions in Article 4, Part 2 indicate proposed clarifications to the descriptions to improve consistency among the neighborhood district descriptions as a whole, or due to Neighborhood Commission action on amendments to initiative petitions, changes to names of reference points (e.g., the closure of Barbers Point Naval Air Station), or for technical or stylistic reasons. The proposed clarifications **DO NOT** change the present actual boundaries of the 35 neighborhood districts.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Section 4-201. Hawaii Kai Neighborhood Board No. 1.

From Makapuu Point, along the leeward south coast in a westerly direction to the western outlet of Kuapa Pond, then inland north to May Way to Maunalua Avenue, Maunalua Avenue extended, then north to the crest of Maunalua Ridge to the crest of the Koolau Range (Honolulu City Limits), thence southeast along the crest of the Koolau Range to Makapuu Point.

(Date formed: March 1, 1977.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #1; Para: None] [Eff]

Section 4-202. Kuliouou/Kalani Iki Neighborhood Board No. 2.

From the junction of the crest of the Koolau Range and Maunalua Ridge, south along Maunalua Ridge to Maunalua Avenue extended, to Maunalua Avenue, to May Way, to the western outlet of Kuapa Pond, along the coast in a westerly direction to the east boundary of the Waialae Golf Course, thence east and north along the boundary of the Waialae Golf Course to the intersection of Waikui Street and Kalanianaole Highway, thence northeasterly along the ridgeline of the unnamed ridge east of Kapakahi Gulch to its intersection with Wiliwilinui Ridge, thence along Wiliwilinui Ridge to the crest of the Koolau Range, thence southeast along the crest of the Koolau Range to Maunalua Ridge.

(Date formed: May 16, 1975.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #2; Para: None] [Eff]

Section 4-203. Waialae/Kahala Neighborhood Board No. 3.

Beginning at the junction of the crest of the Koolau Range and Wiliwilinui Ridge, south along Wiliwilinui Ridge to its intersection with the crest of an unnamed ridge east of Kapakahi Gulch, thence south along the ridgeline of the unnamed ridge to the intersection of Waikui Street and Kalanianaole Highway, thence west and south along the east boundary of the Waialae Golf Course, thence along the coast in a southwesterly direction to the west boundary of the U.S. Coast Guard Reservation, thence in a straight line to the rim of the Diamond Head Crater, thence along the crater rim in a northern direction, thence in a straight line to the intersection of 18th Avenue and Diamond Head Road, thence along 18th Avenue to Puu Panini Avenue, east along Puu Panini Avenue, north along the property line between 4210 and 4220 Puu Panini Avenue, thence in a north and east direction along the back property lines of 4220 to 4326 Puu Panini Avenue to Huanui Street, east along Huanui Street and east along the property line between 4405 and 4379 Puu Panini Avenue, thence north along the State of Hawaii Department of Taxation designated "Waialae-Kapahulu Boundary" which is a line running behind one row of homes west of Elepaio and Hunakai Streets, north across Waialae Avenue, north along the east property fence line of the former Waialae Drive-In Theater, thence north along the east property fence line, along the fence line extended along the rear property line (east line of Wilhelmina Rise Tract), along the rim of a bluff (east line of Maunalani Heights Tract), thence to Waialaenui Gulch,

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

thence north to the crest of the Koolau Range (Honolulu City Limits) and along the crest to the intersection with Wiliwilinui Ridge.

(Date formed: April 16, 1976.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #3; Para: None] [Eff]

Section 4-204. Kaimuki Neighborhood Board No. 4.

Beginning at the rim of the bluff along the east line of the Maunalani Heights Tract, in a southern direction along the fence line of the former Waialae Drive-In Theater extended (east line of Wilhelmina Rise Tract), south to the fence along the east property line of the former Waialae Drive-In Theater, south across Waialae Avenue, thence south along the State of Hawaii Department of Taxation designated "Waialae-Kapahulu Boundary" which is a line running behind the row of homes west of Hunakai and Elepaio Streets, west along the property line between 4405 and 4379 Puu Panini Avenue, west along Huanui Street, then south and west along the back property lines of 4326 to 4220 Puu Panini Avenue, south along the property line between 4220 and 4210 Puu Panini Avenue, thence west along Puu Panini Avenue to 22nd Avenue, thence south along 22nd Avenue to and along Tax Map Key Designator line 3-2 and 3-1 to 18th Avenue, thence south along 18th Avenue to Diamond Head Road, thence west along Diamond Head Road to Makapuu Avenue, thence north along Makapuu Avenue to Alohea Avenue, thence along Alohea Avenue to 6th Avenue, thence along 6th Avenue in a northerly direction to the H-1 Freeway, thence in a westerly direction along the H-1 Freeway to the extension of 5th Avenue, thence north along 5th Avenue to Waialae Avenue, thence east along Waialae Avenue to Sierra Drive, thence north along Sierra Drive to the west line of the Wilhelmina Rise Tract, thence north along the rim of the bluff which constitutes the west line of the Wilhelmina Rise and Maunalani Heights Tracts, thence to the junction point with the east line of the Maunalani Heights Tract.

(Date formed: September 20, 1977.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #4; Para: None] [Eff]

Section 4-205. Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5.

Beginning at the intersection of 5th Avenue and Waialae Avenue, south along 5th Avenue to the H-1 Freeway, then east along the H-1 Freeway to 6th Avenue, thence in a southerly direction along 6th Avenue to Alohea Avenue, thence east along Alohea Avenue to Makapuu Avenue, thence south along Makapuu Avenue to Diamond Head Road, thence along Diamond Head Road to the intersection with 18th Avenue, thence in a straight line to the rim of Diamond Head Crater, thence along the rim of Diamond Head, thence in a straight line south to the west boundary of the U.S. Coast Guard Reservation, thence in a westerly direction along the coastline to the intersection of Kalakaua Avenue and Kapahulu Avenue, thence north along Kapahulu Avenue to Ala Wai Boulevard, thence west along Ala Wai Boulevard to a line along the end of Ala Wai Canal, thence west along the Ala Wai Canal to the Manoa-Palolo Drainage Canal, thence north along the Manoa-Palolo Drainage Canal,

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

thence north along the north branch of Manoa Stream, thence in a straight line across Dole Street to Waahila Ridge, thence north along Waahila Ridge to a point on the ridge which intersects with an extension of the southwest boundary of Kawao Park, thence along the southwest boundary of Kawao Park to the Honolulu Watershed Forest Reserve Boundary, thence south along the Forest Reserve Boundary to Palolo Stream, thence south along Palolo Stream to a direct line drawn to the intersection of Palolo Avenue and Waialae Avenue, thence east along Waialae Avenue to 5th Avenue.

(Date formed: September 27, 1977.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #5; Para: None] [Eff]

Section 4-206. Palolo Neighborhood Board No. 6.

From the junction of the crest of the Koolau Range and Waialaenui Gulch, thence south along Waialaenui Gulch, thence in a direct line to the rim of a bluff constituting the west boundary of the Maunalani Heights Tract, thence southwest along the west boundary of the Maunalani Heights and Wilhelmina Rise Tracts to Sierra Drive, thence south along Sierra Drive to Waialae Avenue, thence west along Waialae Avenue to the junction of Palolo Avenue and Waialae Avenue, thence in a direct line to Palolo Stream, thence north along Palolo Stream to the Honolulu Watershed Forest Reserve Boundary, thence north along the Forest Reserve Boundary to the southwest boundary of Kawao Park, thence along an extension of the Kawao Park boundary to Waahila Ridge, thence north along Waahila Ridge to the crest of the Koolau Range, thence east along the Koolau Range to the junction with Waialaenui Gulch.

(Date formed: September 20, 1977.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #6; Para: None] [Eff]

Section 4-207. Manoa Neighborhood Board No. 7.

From the junction of the Koolau Range with Waahila Ridge, south along Waahila Ridge, across Dole Street to Manoa Stream, thence south along Manoa Stream to (old) Waialae Avenue, west along Waialae Avenue to the H-1 Freeway, west along the H-1 Freeway to the University of Hawaii property line east of Varsity Circle, thence north and west along the University of Hawaii property line (separating the area including Varsity Circle, Varsity Place, Kalo Place, and Kolo Place) to the H-1 Freeway, west along the H-1 Freeway to Punahou Street, north along Punahou Street to the Nehoa Street intersection, west along the northern property boundaries of the homes along the northern side of Nehoa Street to the east boundary of homes on the east side of Ualakaa Street, thence north along the property lines parallel to Ualakaa Street to the Honolulu Watershed Forest Reserve Boundary, thence north along the Forest Reserve Boundary, and north along the rim of the ridge on the east side of Pauoa Flats to the crest of the Koolau Range, thence east along the Koolau Range to the junction with Waahila Ridge.

Page 46/104

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Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(Date formed: March 1, 1977; amended May 9, 2000 to transfer a portion to Neighborhood Board No. 8.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #7; Para: None] [Eff]

Section 4-208. McCully/Mo`ili`ili Neighborhood Board No. 8.

Beginning at the junction of Waialae Avenue and the Manoa-Palolo Drainage Canal, south along the Manoa-Palolo Drainage Canal, thence west along the Ala Wai Canal to Kalakaua Avenue, thence north along Kalakaua Avenue to South King Street, thence east along South King Street to Punahou Street, thence north along Punahou Street to the H-1 Freeway, thence east along the H-1 Freeway to the University of Hawaii property line west of Kolo Place, thence north and east along the University of Hawaii property line (separating the area including Kolo Place, Kalo Place, Varsity Place, and Varsity Circle) to the H-1 Freeway to (old) Waialae Avenue, thence north along Waialae Avenue to the Manoa-Palolo Drainage Canal.

(Date formed: May 4, 1976; amended May 9, 2000 to add a portion transferred from Neighborhood Board No. 7.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #8; Para: None] [Eff]

Section 4-209. Waikiki Neighborhood Board No. 9.

Beginning at the junction of Ala Wai Boulevard and Kapahulu Avenue, thence south along Kapahulu Avenue to the ocean, thence in a westerly direction along the coastline to a line extending to the entrance to the yacht basin, thence north along that line to the Ala Wai Canal, thence along the Ala Wai Canal in a northeasterly and easterly direction to a straight line connecting the end of the Ala Wai Canal with the Ala Wai Boulevard, thence along the Ala Wai Boulevard to its junction with Kapahulu Avenue.

(Date formed: September 20, 1977.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #9; Para: None] [Eff

Section 4-210. Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10.

Beginning at the junction of the face of the ridge on the east side of Pauoa Valley and an unnamed ridge, thence along a line descending along the northeast side of the ridge, thence south along the Honolulu Watershed Forest Reserve Boundary, thence south along the east side of the property lines on the east side of Ualakaa Street to the property lines on the north side of Nehoa Street, thence east along these property lines to Punahou Street, south along Punahou Street to South King Street, thence west along South King Street to Ward Avenue, thence north along Ward Avenue to the H-1 Freeway, thence west along the H-1 Freeway to Pele Street, thence north along Pele Street and Pele Street extended to the rim of Punchbowl Crater, thence east along the rim of Punchbowl Crater, thence in a straight line

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

 to Prospect Street, thence southeast along Prospect Street to Nehoa Street, along Nehoa Street to Auwaiolimu Street, thence north along Auwaiolimu Street to Kanaha Stream, thence north along Kanaha Stream to the Forest Reserve Boundary, thence in a northwesterly direction along the Forest Reserve Boundary to the face of the ridge on the east side of Pauoa Valley, thence north along the ridge on the east side of Pauoa Valley to its junction with an unnamed ridge.

(Date formed: September 20, 1977.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #10; Para: None] [Eff]

Section 4-211. Ala Moana/Kakaako Neighborhood Board No. 11.

Beginning at the junction of South King Street and Kalakaua Avenue, southeast along Kalakaua Avenue to the Ala Wai Canal, thence southwest along the Ala Wai Canal and a line extending through the channel of the yacht basin, thence along the coastline in a westerly direction to a line extension of Keawe Street, thence north on Keawe Street to Ala Moana Boulevard, west along Ala Moana Boulevard to South Street, thence north along South Street to South King Street, east along South King Street to Alapai Street, north along Alapai Street to South Beretania Street, east along South Beretania Street to Ward Avenue, thence south along Ward Avenue to South King Street, thence east along South King Street to Kalakaua Avenue.

(Date formed: September 20, 1977.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #11; Para: None] [Eff]

Section 4-212. Nuuanu/Punchbowl Neighborhood Board No. 12.

Beginning at the junction of the Koolau Range and Puu Konahuanui Ridge, south along the face of the ridge on the east side of Pauoa Flats, thence south along the Forest Reserve Boundary to Tantalus Drive, along Tantalus Drive to Kanaha Stream, south along Kanaha Stream to Auwaiolimu Street, southeast along Auwaiolimu Street to Nehoa Street, along Nehoa Street to Prospect Street, along Prospect Street, thence in a straight line to the rim of Punchbowl Crater, thence in a westerly direction along the rim of Punchbowl Crater, thence in a straight line to Pele Street, south on Pele Street to the H-1 Freeway, west to Nuuanu Avenue, north along Nuuanu Avenue to a point south of Ahi Place, thence in a straight line west to Waolani Stream, thence north along Waolani Stream to Kapalama-Waolani Stream Divide (ridge), north to the crest of the Koolau Range, thence east along the Koolau Range to Puu Konahuanui Ridge.

(Date formed: September 20, 1977.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #12; Para: None] [Eff]

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Section 4-213. Downtown Neighborhood Board No. 13.

Beginning at the intersection of the H-1 Freeway and Ward Avenue, south along Ward Avenue to South Beretania Street, west along South Beretania Street to Alapai Street, south along Alapai Street to South King Street, west along South King Street to South Street, south along South Street to Ala Moana Boulevard, east along Ala Moana Boulevard to Keawe Street, thence south along Keawe Street and a straight line extended, thence west along the coastline to a straight line running parallel to Pier 17 which extends to Honolulu Harbor, thence in a straight line north to North King Street, thence north along Nuuanu Stream to North School Street, thence east along North School Street to Nuuanu Avenue, thence south along Nuuanu Avenue to the H-1 Freeway, thence east along the H-1 Freeway to Ward Avenue.

(Date formed: September 20, 1977.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #13; Para: None] [Eff]

Section 4-214. Liliha/Puunui/Alewa/Kamehameha Heights Neighborhood Board No. 14.

Beginning at the intersection of Waolani Stream and Kapalama-Waolani Stream Divide (ridge), south along Waolani Stream to a point south of Ahi Place where a straight line is drawn parallel to Ahi Place to Nuuanu Avenue, thence south along Nuuanu Avenue to School Street, thence west along North School Street to Likelike Highway, thence north along Likelike Highway to Kalihi Street, thence north along Kalihi Street to Akahi Street, thence east parallel to Akahi Street, thence north along the northwest boundary of Kamehameha Schools and north along Kamanaiki-Kapalama Stream Divide (ridge) to Kapalama-Waolani Stream Divide (ridge), thence south to Waolani Stream.

(Date formed: March 22, 1977; name changed from Liliha/Kapalama to Liliha/Alewa/Puunui/Kamehameha Heights on May 9, 2000; name reordered to Liliha/Puunui/Alewa/Kamehameha Heights on July 9, 2002.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #14; Para: None] [Eff]

Section 4-215. Kalihi/Palama Neighborhood Board No. 15.

Beginning at the intersection of North School Street and Nuuanu Stream, south along Nuuanu Stream to North King Street, thence in a straight line to a line running parallel to Pier 17, extending southeast through Honolulu Harbor, thence west along the Sand Island coastline to a straight line in a northwesterly direction through Keehi Lagoon, thence northeast in a straight line to the mouth of Kalihi Stream at Nimitz Highway, west on Nimitz Highway to Middle Street, thence north on Middle Street to the east boundary of Fort Shafter Military Reservation opposite Kahauiki Street, thence west and north along the east boundary of Fort Shafter Military Reservation to Notley Street, thence east on Notley Street to North School Street, east on North School Street to Nuuanu Stream.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

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(Date formed: May 16, 1975.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #15; Para: None] [Eff

Section 4-216. Kalihi Valley Neighborhood Board No. 16.

Beginning at the intersection of the crest of the Koolau Range and the Kalihi-Moole Stream Divide (ridge), south along Kamanaiki-Kapalama Divide (ridge), south along the northwest boundary of Kamehameha Schools to Akahi Street, thence west in a straight line parallel to Akahi Street to Kalihi Street, south along Kalihi Street to Likelike Highway, south on Likelike Highway to North School Street, west on North School Street to Notley Street, thence west on Notley Street to the east boundary of Fort Shafter Military Reservation, thence north along the east boundary of Fort Shafter to Kalihi-Manaiki Stream Divide (ridge), to the crest of the Koolau Range, thence east along the crest of the Koolau Range to the Kalihi-Moole Stream Divide (ridge).

(Date formed: May 4, 1976.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #16; Para: None] [Eff

Section 4-217. Moanalua Neighborhood District No. 17.

Beginning at the intersection of the crest of the Koolau Range and Kalihi-Manaiki Stream Divide (ridge), south to the east boundary of Fort Shafter Military Reservation, thence south along the east boundary of Fort Shafter to a point opposite Kahauiki Street, thence south along Middle Street to the H-1 Freeway, thence west along the H-1 Freeway and Moanalua Road to Halawa Stream, thence north along Halawa Stream to the crest of the Koolau Range, thence east along the crest of the Koolau Range to its junction with the Kalihi-Manaiki Stream Divide (ridge).

(No initiative petition filed as of September 1, 2005.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #17; Para: None] [Eff

Section 4-218. Aliamanu/Salt Lake/Foster Village Neighborhood Board No. 18.

Beginning at the intersection of Moanalua Road and Puuloa Road, south along Puuloa Road to Peltier Avenue, thence west along Peltier Avenue, thence in a westerly direction along the northern boundary of Camp Catlin Naval Reservation, thence in a westerly direction along Salt Lake Boulevard to Halawa Stream, thence north along Halawa Stream to Moanalua Road, thence east along Moanalua Road to the intersection with Puuloa Road.

(Date formed: January 30, 1979.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #18; Para: None [Eff

Page 50/104

DRAFT REVISED NEIGHBORHOOD PLAN 2006 PRELIMINARY CLEAN TEXT ONLY DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Section 4-219. Airport Area Neighborhood District No. 19.

Beginning at the intersection of the H-1 Freeway and Middle Street, south along Middle Street to Nimitz Highway, east on Nimitz Highway to the mouth of Kalihi Stream, thence in a straight line southwest to a point in Keehi Lagoon opposite an unnamed drainage channel, thence in a straight line southeast ending parallel to the western point of Sand Island, thence in a westerly direction to the entrance to Pearl Harbor, thence north up the Middle Loch of Pearl Harbor, thence in an easterly direction in East Loch (south and east of Ford Island) to a point in East Loch opposite the mouth of Halawa Stream, thence east to the mouth of Halawa Stream, thence north along Halawa Stream to Salt Lake Boulevard to the northern boundary of Camp Catlin Naval Reservation, thence east along the Camp Catlin boundary to Peltier Avenue, east along Peltier Avenue to Puuloa Road, thence north on Puuloa Road to Moanalua Road, thence east on Moanalua Road to Middle Street.

(No initiative petition filed as of September 1, 2005.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #19; Para: None] [Eff]

Section 4-220. Aiea Neighborhood Board No. 20.

Beginning at the junction of the crest of the Koolau Range and Halawa Stream, south along Halawa Stream to a point opposite the mouth of Halawa Stream in East Loch, Pearl Harbor, thence south (south and east of Ford Island) to a point in Middle Loch, thence in a northwesterly direction up Middle Loch to a point south and west of the tip of Pearl City Peninsula, thence in a northeasterly direction through East Loch to the mouth of Waimalu Stream, thence north along Waimalu Stream to Kamehameha Highway, west on Kamehameha Highway to Kaahumanu Street, north on Kaahumanu Street to the southern edge of the Crown at Wailuna community, west and north and east along the edge of the Crown at Wailuna community to the ridge between Waiau Gulch and Punanani Gulch, north on the ridge between Waiau Gulch and Punanani Gulch to the crest of the Koolau Range, thence east along the crest of the Koolau Range to the junction with Halawa Stream.

(Date formed: September 20, 1977; amended in 1998, effective June 1, 1999, to add a portion transferred from Neighborhood Board No. 21.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #20; Para: None] [Eff]

Section 4-221. Pearl City Neighborhood Board No. 21.

Beginning at the junction of the crest of the Koolau Range and the ridge between Waiau Gulch and Punanani Gulch, south along the ridge between Waiau Gulch and Punanani Gulch to the western edge of the Crown at Wailuna community, south and east along the Crown at Wailuna community boundary to Kaahumanu Street, south along Kaahumanu

Page 51/104

DRAFT REVISED NEIGHBORHOOD PLAN 2006 PRELIMINARY CLEAN TEXT ONLY DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Street to Kamehameha Highway, east on Kamehameha Highway to Waimalu Stream to East Loch, Pearl Harbor, thence to a point south and west of the tip of Pearl City Peninsula, thence north through Middle Loch in a straight line to the former Oahu Railway & Land Co. (OR&L) right-of-way (abandoned), east along the former OR&L right-of-way to Waiawa Stream, north along Waiawa Stream to Kamehameha Highway, west on Kamehameha Highway to the H-2 Freeway, north on the H-2 Freeway to Kipapa Stream, thence north and east along Kipapa Stream to the crest of the Koolau Range, thence east along the crest of the Koolau Range to the extension of the ridge between Waiau Gulch and Punanani Gulch.

(Date formed: September 20, 1977; amended in 1998, effective June 1, 1999, to transfer a portion to Neighborhood Board No. 20.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #21; Para: None] [Eff]

Section 4-222. Waipahu Neighborhood Board No. 22.

Beginning at the junction of the H-2 Freeway and the Mililani Memorial Park Road, south along the H-2 Freeway to Kamehameha Highway, thence east along Kamehameha Highway to Waiawa Stream, thence south along Waiawa Stream to the former Oahu Railway & Land Co. (OR&L) right-of-way (abandoned), thence west along the former OR&L right-of-way to a point where a straight line is drawn south through Middle Loch, Pearl Harbor, to a point south and west of the tip of Pearl City Peninsula, thence to a point south of Waipio Point, thence in a northwesterly direction through West Loch to a point south of Leowaena Street, thence north along the setback from Leowaena Street to Kunia Road, thence north along Kunia Road to the intersection with Kupehau Road, thence east along power lines to Waikele Stream, thence south along Waikele Stream to Kipapa Stream, thence north along Kipapa Stream to the Mililani Memorial Park Road, thence along the Mililani Memorial Park Road to the H-2 Freeway.

(Date formed: October 23, 1984.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #22; Para: None] [Eff]

Section 4-223. Ewa Neighborhood Board No. 23.

Beginning at the intersection of Kunia Road and the H-1 Freeway, thence south along Kunia Road, thence south along the setback from Leowaena Street to West Loch, Pearl Harbor, southeast through West Loch to a point south of Waipio Point, thence south to the entrance to Pearl Harbor, thence west along the coast to the eastern property line of the former Barbers Point Naval Air Station (BPNAS), thence north along the former BPNAS property line to the junction with the former Oahu Railway & Land Co. (OR&L) right-of-way (abandoned), thence in a straight line north to a point where Waimanalo Road intersects Kaloi Gulch, thence north along Kaloi Gulch to the H-1 Freeway, thence east along the H-1 Freeway to the Kunia Road intersection.

Page 52/104

DRAFT REVISED NEIGHBORHOOD PLAN 2006 PRELIMINARY CLEAN TEXT ONLY DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(Date formed: September 20, 1977; amended August 29, 1994, effective June 1, 1995, to provide for the creation of Neighborhood Board No. 34.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #23; Para: None] [Eff]

Section 4-224. Waianae Coast Neighborhood Board No. 24.

Beginning at the junction of the Waianae, Waialua, Wahiawa District Boundaries, south along the Wahiawa-Waianae District Boundary to Puu Kanehoa, south along the west boundary of the Honouliuli Forest Reserve Boundary to Palikea, thence southwest along the western boundary of the Nanakuli Forest Reserve to Waimanalo Gulch, thence south along Waimanalo Gulch to the Pacific Ocean, thence north along the coast to the junction with the Waialua-Waianae District Boundary, thence east along the Waialua-Waianae District Boundary to its junction with the Wahiawa District Boundary.

(Date formed: May 9, 1975.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #24; Para: None] [Eff]

Section 4-225. Mililani/Waipio/Melemanu Neighborhood Board No. 25.

Beginning at the intersection of the H-2 Freeway and the south boundary line of the Leilehua Golf Course (Wahiawa-Ewa District Boundary line), thence south along the H-2 Freeway to the Mililani Memorial Park Road, thence southwest along the Mililani Memorial Park Road, thence south along Kipapa Stream to Waikele Stream, thence north along Waikele Stream to power lines on the western bank, thence in a westerly direction to Kupehau Road, thence from the intersection of Kupehau Road and Kunia Road in a straight line southwest to Puu Moopuna, thence in a straight line northwest to Palikea on the west boundary of the Honouliuli Forest Reserve, thence north along the crest of the Waianae Range to Puu Kanehoa, thence east along Huliwai Gulch to Kunia Road, thence north along Kunia Road, thence along the south and east boundary of Wheeler Army Air Field, thence north along Kamehameha Highway to the south boundary line of the Leilehua Golf Course, thence along the Leilehua Golf Course boundary to the H-2 Freeway.

(Date formed: April 23, 1975.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #25; Para: None] [Eff]

Section 4-226. Wahiawa Neighborhood Board No. 26.

Beginning at the intersection of the Poamoho Trail (Waialua-Wahiawa District Boundary) and the crest of the Koolau Range (east boundary of Ewa Forest Reserve), thence south along the crest of the Koolau Range to Wahiawa-Ewa District Boundary line, thence west along the Wahiawa-Ewa District Boundary to the closest point of the Waikakalaua Gulch, thence west along the northern boundary of the Waikakalaua Gulch to the H-2 Freeway,

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

thence north along the H-2 Freeway to the south boundary line of the Leilehua Golf Course, thence west along the Leilehua Golf Course boundary to Kamehameha Highway, thence along the east and south boundary of Wheeler Army Air Field, thence south along Kunia Road to Huliwai Gulch, thence west along Huliwai Gulch to Puu Kanehoa, thence north along the west boundary of Schofield Barracks Military Reservation (crest of Waianae Range) thence east along the north boundary of Schofield Barracks Military Reservation (Waialua-Wahiawa District Boundary), thence southeast along Kaukonahua Stream, thence east along the Waialua-Wahiawa District Boundary (Poamoho Stream) to the intersection of Poamoho Trail and the crest of the Koolau Range.

(Date formed: March 19, 1985; amended October 2, 1996, effective June 1, 1997, to provide for the creation of Neighborhood Board No. 35.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #26; Para: None] [Eff]

Section 4-227. North Shore Neighborhood Board No. 27.

Beginning at the mouth of Waialee Stream, thence south along Waialee Stream to Oio Gulch, thence south along Oio Gulch to Elehaha Stream, thence southeast along the crest of the Koolau Range (east boundary of Kawailoa Forest Reserve), thence south to Poamoho Trail, thence west along the Waialua-Wahiawa District Boundary (Poamoho Stream), thence northwest along Kaukonahua Stream, thence west along the north boundary of Schofield Barracks Military Reservation (Waialua-Wahiawa District Boundary), thence west along the crest of the Waianae Range (Waialua-Waianae District Boundary), thence along the top of the south rim of the Waianae Range, the south boundary of the Kaena Military Reservation, and the south boundary of Kaena Military Reservation extended, thence northeast along the Pacific Ocean to the mouth of Waialee Stream.

(Date formed: October 11, 1977.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #27; Para: None] [Eff]

Section 4-228. Koolauloa Neighborhood Board No. 28.

Beginning at the mouth of Waialee Stream, thence south along Waialee Stream to Oio Gulch, thence south along Oio Gulch to Elehaha Stream, thence southeast along the crest of the Koolau Range (east boundary of Kawailoa Forest Reserve), thence along the Koolauloa-Wahiawa Boundary to Puu Kaaumakua, thence east along the Koolauloa-Koolaupoko District Boundary to Kaoio Point, thence north along the coast to the mouth of Waialee Stream.

(Date formed: February 10, 1976.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #28; Para: None] [Eff]

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Section 4-229. Kahalu'u Neighborhood Board No. 29.

Beginning at Puu Kaaumakua on the crest of the Koolau Range, thence east along the crest of the ridge constituting the south boundary of the Hauula Forest Reserve and the Koolauloa-Koolaupoko District line, thence south along the coast to a point south of Heeia Pier and north of Matson Point, thence in a northwesterly direction along the crest of an unnamed ridge, thence in a westerly direction along the crest of the ridge north of Heeia Meadowlands to the crest of the Koolau Range, thence north along the Koolau Range to Puu Kaaumakua.

(Date formed: September 8, 1975.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #29; Para: None] [Eff $\,$

Section 4-230. Kaneohe Neighborhood Board No. 30.

Beginning at the junction of the crest of the Koolau Range and the crest of the ridge north of Heeia Meadowlands, thence east along the crest of the ridge north of Heeia Meadowlands, thence south and east along the crest of an unnamed ridge to a point south of Heeia Pier and north of Matson Point, thence south along the coastline (but including Mokuoloe Island) to the southwest boundary of the Kaneohe Marine Corps Base Hawaii at the junction of the H-3 Freeway and Kaneohe Bay, thence in a southwesterly direction along the crest of Mahinui Ridge, thence in a southwesterly direction along the Kaneohe-Kailua Boundary to Kamehameha Highway to its junction with Kalanianaole Highway and Pali Highway (including Hawaii Pacific University's Hawaii Loa Campus), thence southwest along the Pali Highway to the crest of the Koolau Range, thence north along the crest of the Koolau Range to its junction with the crest of the ridge north of Heeia Meadowlands.

(Date formed: February 10, 1976.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #30; Para: None] [Eff]

Section 4-231. Kailua Neighborhood Board No. 31.

Beginning at the junction of the crest of the Koolau Range and the Pali Highway, south and east, then north along the Pali Highway to the junction of Kalanianaole Highway and Kamehameha Highway, thence west along Kamehameha Highway to the Kaneohe-Kailua Boundary, thence east along the Kaneohe-Kailua Boundary to Mahinui Ridge, thence north along Mahinui Ridge to the southwestern corner boundary of the Kaneohe Marine Corps Base Hawaii to the southeastern corner boundary of the Kaneohe Marine Corps Base Hawaii to the southeastern corner boundary of the Kaneohe Marine Corps Base Hawaii, thence southeast along the coast to the north boundary of Bellows Air Force Station, thence west along the north boundary of Bellows Air Force Station, thence south along the west boundary of Bellows Air Force Station, thence west along the Olomana Golf Course boundary, thence south and west along Aniani Nui Ridge to the crest of the Koolau Range, thence north along the crest of the Koolau Range to the Pali Highway.

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(Date formed: August 24, 1976.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #31; Para: None] [Eff]

Section 4-232. Waimanalo Neighborhood Board No. 32.

Beginning at the junction of the north boundary of Bellows Air Force Station and the Pacific Ocean, then west along the north boundary of Bellows Air Force Station, thence south along the west boundary of Bellows Air Force Station, thence west along the boundary of Olomana Golf Course, thence south and west along Aniani Nui Ridge to the crest of the Koolau Range, thence south along the crest of the Koolau Range along the Koolaupoko-Honolulu District Boundary line to Makapuu Point, thence north along the coast to the northern boundary of Bellows Air Force Station.

(Date formed: July 18, 1975.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #32; Para: None] [Eff]

Section 4-233. Mokapu Neighborhood District No. 33.

Beginning at the southwest corner boundary of the Kaneohe Marine Corps Base Hawaii, thence north along the western coast of the Kaneohe Marine Corps Base Hawaii, thence east along the coast to Mokapu Point, thence south along the eastern coast to the southeastern corner of the Kaneohe Marine Corps Base Hawaii, thence west along the south boundary of the Kaneohe Marine Corps Base Hawaii.

(No initiative petition filed as of September 1, 2005.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #33; Para: None] [Eff]

Section 4-234. Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34.

Beginning at the intersection of the eastern property line of the former Barbers Point Naval Air Station (BPNAS) and the shoreline, thence west and northwest along the coast to Waimanalo Gulch, thence north and east along Waimanalo Gulch to the west boundary of the Nanakuli Forest Reserve to Palikea, thence in a straight line southeast to Puu Moopuna, thence in a straight line northeast to the junction of Kupehau Road and Kunia Road, thence south along Kunia Road to the H-1 Freeway, thence west along the H-1 Freeway until it intersects with Kaloi Gulch, thence south along Kaloi Gulch to Waimanalo Road, thence south in a straight line to the junction with the former Oahu Railway & Land Co. (OR&L) right-of-way (abandoned) and the former BPNAS property line, thence along the eastern former BPNAS property line to the shoreline.

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(Date formed: August 29, 1994, effective June 1, 1995.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #34; Para: None] [Eff]

Section 4-235. Mililani Mauka/Launani Valley Neighborhood Board No. 35.

Beginning at the intersection of the Wahiawa-Ewa District Boundary and the crest of the Koolau Range, thence south along the crest of the Koolau Range to Kipapa Stream extended, thence southwest along Kipapa Stream to the H-2 Freeway intersection, thence north along the H-2 Freeway to the northern boundary of the Waikakalaua Gulch, thence east along the northern boundary of the Waikakalaua Gulch to the intersection of the closest point of the Wahiawa-Ewa District Boundary, thence east along the Wahiawa-Ewa District Boundary and the crest of the Koolau Range.

(Date formed: October 2, 1996, effective June 1, 1997.) [Auth: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-103, 14-104; Hist: RNP 1986 § 2-2.1 #35; Para: None] [Eff]

Section 4-301. Neighborhood Boundary Amendments. (a) Amendments to neighborhood boundaries may be requested by a petition submitted to the Neighborhood Commission which shall set forth the proposed amendments and include a map and geographical definitions.

- (b) The commission, at any time on its own motion, may initiate proceedings to amend neighborhood boundaries.
- (c) Neighborhood boards by their own action may initiate a petition to amend neighborhood boundaries. The petition shall be adopted by an affirmative vote of not less than a majority of the entire membership to which the board is entitled, and shall then be filed with the commission.
- (d) Registered voters may initiate a petition to amend neighborhood boundaries. The petition shall be signed by not less than five percent (5%) or one hundred (100) registered voters, whichever is less, who reside within the neighborhood district to be affected. When a proposed amendment would affect more than one (1) neighborhood district, the petition shall be signed by not less than five percent (5%) or one hundred (100) registered voters, whichever is less, from each affected neighborhood district. The petition shall be filed with the commission, which will then transmit the petition to the city clerk for verification of the signatures as being those of registered voters who reside within the affected neighborhood district(s).

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 §§ 1-3.3, 1-3.4; Para: None] [Eff]

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Section 4-302. Commission Consideration Process. (a) The Neighborhood Commission shall hold a duly noticed public hearing in the affected neighborhood district(s) within forty-five (45) calendar days after receiving certification from the city clerk verifying the signatures on the petition as those of registered voters residing in the applicable neighborhood district(s). The purpose of the public hearing shall be to determine whether the neighborhood district boundaries should be amended. There shall be ten (10) calendar days allowed for the submission of written testimony to the commission after the close of the public hearing.

(b) Within forty-five (45) calendar days after the close of the public hearing, the commission shall by resolution approve or disapprove the proposed amendment(s) to the neighborhood district boundaries. One of the bases for approval or disapproval shall be evidence of neighborhood support as submitted to the commission. A statement explaining the principal reasons for the commission's action shall accompany the resolution.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 § 1-3.5; Para: § 5-104] [Eff]

 Section 4-303. Reservation of Commission Powers. Upon the consideration of any proposed amendments to neighborhood district boundaries, the commission reserves the power to amend any element of a petition as appropriate (1) when there is evidence of neighborhood support for such an amendment; (2) to provide clarity to the petition; (3) to promote fairness; (4) to promote the efficient administration of the Neighborhood Board System as a whole; or (5) to meet applicable legal requirements.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 § 1-3.5; Para: § 5-105] [Eff]

 Section 4-304. Amendment Moratorium. (a) The neighborhood district boundaries as established in the Neighborhood Plan shall not be amended within one (1) year of the date of filing of the original Neighborhood Plan with the city clerk.

(b) Subsequent to the formation of a neighborhood by the Neighborhood Commission's approval of an initiative petition pursuant to Article 5, the boundaries of the neighborhood district and any subdistricts therein shall not be amended within one year from the date of the neighborhood's first election of the board.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 § 1-3.7; Para: §§ 4-303, 5-105, 5-106, 9-201] [Eff]

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

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ARTICLE 5 1 2 INITIATION AND FORMATION OF NEIGHBORHOODS 3 4 5 Section 5-101. Initiative Petition; Voter Signatures Requirement. 6 Initiative Petition Components; Neighborhood Board Composition. 5-102. 7 5-103. Filing and Verification. 8 5-104. Commission Consideration Process. 9 Reservation of Commission Powers. 5-105. 10 5-106. Amendment of the Initiative Petition. 11 12 13 14 Section 5-101. Initiative Petition; Voter Signatures Requirement. A neighborhood 15 shall be formed in accordance with the process set forth in Article 5 and subsequent to the 16 submission of an initiative petition to the Neighborhood Commission which is signed by at 17 least five percent (5%) or one hundred (100), whichever is less, of the registered voters 18 within the proposed neighborhood district boundaries at the time of the last general 19 election. 20 21 [Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 22 14-102, 14-103, 14-104; Hist: RNP 1986 § 1-4.1; Para: § 7-801] [Eff 23 24 25 26 Section 5-102. Initiative Petition Components; Neighborhood Board Composition. 27 (a) The initiative petition shall set forth the proposed neighborhood board name; proposed 28 neighborhood district boundaries and geographical definition; proposed neighborhood board 29 organization by membership composition and scope of representation -- at large, 30 subdistrict, or a combination of both at large and subdistrict representation; any proposed 31 subdistrict areas, which shall include a map and geographical definitions; and the proposed 32 number of members to be elected from the district or each subdistrict, as applicable. 33 34 (b) Each neighborhood formed shall have a neighborhood board composed of an odd 35 number of members that totals not less than nine (9) members nor more than nineteen (19) 36 members, each member to be elected by plurality vote from the neighborhood district or 37 subdistrict, as applicable, in accordance with Article 6 - Elections. 38 39 (c) Initiative petitions may be amended at any time in accordance with Sections 1-102(e) & 40 (f), Article 4, Part 3, Article 5, and 6-201(a). 41 42 [Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 43 14-102, 14-103, 14-104; Hist: RNP 1986 §§ 1-4.2, 1-5.1, 1-5.2; Para: §§ 1-102(e) & (f), 5-44 105(b)] [Eff 45 46

Section 5-103. Filing and Verification. The initiative petition shall be filed with the

Neighborhood Commission, which shall then transmit the petition to the city clerk for

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verification of the signatures as being those of registered voters who reside within the district boundaries of the proposed neighborhood.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 § 1-4.3; Para: None] [Eff]

Section 5-104. Commission Consideration Process. (a) After receiving certification from the city clerk verifying the signatures on the initiative petition as those of registered voters residing in the applicable neighborhood district, the Neighborhood Commission shall publicize the substance of the initiative petition within the proposed neighborhood and call for the submission of any alternative initiative petitions not later than forty-five (45) calendar days after publication of the first notice of the commission's receipt of the original initiative petition.

- (b) Within forty-five (45) calendar days after the deadline for the submission of any alternative initiative petitions, the commission shall hold a duly noticed public hearing within the district boundaries of the proposed neighborhood. The purpose of the public hearing shall be to determine whether the proposed neighborhood should be formed and a neighborhood board established. Any and all additional initiative petitions must be submitted before the close of the public hearing. There shall be ten (10) calendar days allowed for the submission of written testimony after the close of the public hearing.
- (c) Not less than ten (10) nor more than forty-five (45) calendar days after the close of the public hearing, the commission shall by resolution approve or disapprove the original initiative petition and any alternative initiative petitions. One of the bases of approval or disapproval shall be evidence of neighborhood support as submitted to the commission. A statement explaining the principal reasons for the commission's action shall accompany the resolution.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 § 1-4.4; Para: §§ 4-302, 9-102] [Eff]

Section 5-105. Reservation of Commission Powers. (a) The commission reserves the power to amend any element of an initiative petition (1) when there is evidence of neighborhood support for such an amendment; (2) to provide clarity to the initiative petition; (3) to promote fairness; (4) to promote the efficient administration of the Neighborhood Board System as a whole; or (5) to meet applicable legal requirements (e.g., apportionment of representation on a one person, one vote basis – see Section 6-201(a)).

(b) The Neighborhood Commission may direct at any time and on its own motion that neighborhood boards shall conform their initiative petitions to the requirements of the Revised Neighborhood Plan 2006, as amended, and establish a schedule therefor. See Section 1-102(f).

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 § 1-4.4; Para: §§ 1-102(f), 4-303, 6-201(a)] [Eff]

Section 5-106. Amendment of the Initiative Petition. (a) Amendments to the initiative petition originally approved by the commission may be proposed by the neighborhood board, or residents of the neighborhood district who are duly registered voters, at any time, subject to the amendment moratorium period stated at Section 4-304.

(b) Approval or disapproval of any proposed amendments shall be made by the commission after it has held a duly noticed public hearing in the affected neighborhood. The number of days provided the commission to call for alternative initiative petitions, to hold a public hearing, to allow for submission of written testimony, and to act by resolution to approve or disapprove the proposed amendments to the initiative petition originally approved shall be the same as set forth in Section 5-104.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 § 1-4.5; Para: §§ 1-102(e) & (f), 4-303, 4-304, 5-105] [Eff]

ARTICLE 6 ELECTIONS

40			
27	Section	6-101.	Definitions.
28		6-201.	Election Principles.
29		6-202.	Chief Elections Officer.
30		6-203.	Chief Monitoring Officer.
31		6-204.	Computation of Time.
32		6-205.	Facsimile (Fax) or Electronic Signatures.
33		6-301.	Determination of Residence.
34		6-302.	Voter Eligibility and Registration.
35		6-303.	Candidate Eligibility and Registration.
36		6-304.	Residency Paramount.
37		6-305.	Disqualification by Relocation.
38		6-306.	Concurrent Candidacy Prohibition.
39		6-307.	Impropriety Prohibition.
40		6-308.	Candidate List.
41		6-309.	Candidate Profile Statements.
42		6-310.	Candidate Withdrawal.
43		6-311.	Insufficiency of Candidates.
44		6-312.	Vacancies.
45		6-313.	Election Campaigns and Finance.
46		6-401.	Ballots.
47		6-402.	Ballot Mailing Deadline.
48		6-403.	Replacement Ballots.
49		6-404.	Return of Ballots.

Page 61/104

DRAFT REVISED NEIGHBORHOOD PLAN 2006 PRELIMINARY CLEAN TEXT ONLY DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

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1	6-501.	Uncontested Races.
2	6-601.	Ballot Secrecy and Security.
3	6-602.	Ballot Tabulation and Recordkeeping Procedures.
4	6-603.	Certification of Election Results.
5	6-604.	Issuance of Certificates of Election.
6	6-701.	Voter Registration Challenge.
7	6-702.	Candidate Registration Challenge.
8	6-703.	Other Challenges.
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Section 6-101. Definitions. For the purposes of these rules, the words and phrases used herein are defined as follows.

"Ballot" means a written or printed, or partly written and partly printed, paper or card containing the names of persons to be voted for and the office to be filled. A ballot may consist of one or more cards or pieces of paper depending upon the number of offices, the candidates to be elected thereto, and the voting system in use.

"Ballot packet" means the envelope containing the voter's ballot(s) and any official election materials necessary for the conduct of the election.

"Candidate" means a person who seeks election to a seat on a neighborhood board and files a candidacy declaration with the Neighborhood Commission, or who seeks election to fill a vacancy on a neighborhood board.

"Challenged ballot" means the ballot of a voter whose right to vote has been questioned by another registered voter.

"Chief Elections Officer" means the person deemed to have responsibility for and authority to direct the administration and conduct of all Neighborhood Board System elections.

"Chief Monitoring Officer" means the independent person appointed by the Neighborhood Commission for each election who shall have the responsibility to observe the conduct of the election and report and certify the results of the election to the Neighborhood Commission.

"Counting center" means the computer facilities and surrounding premises designated by the Executive Secretary where electronic voting system ballots are counted.

"Duplicate ballot" means a ballot issued to a voter who has spoiled a ballot or reports no delivery or receipt of a ballot. The term **"reissued ballot"** may be interchangeably used to define same.

"Election" means all elections, biennial or special, unless otherwise specifically stated.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

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 "Electronic voting system" means the method of recording votes which are counted by automatic tabulating equipment.

"Invalid ballot" means any ballot which does not meet the requirements for ballots to be counted.

"Paper ballot voting system" means the method of recording votes which are counted manually.

"Person" means, for the purposes of Article 6 (Elections), a private individual only.

"Qualified resident" means a person, eighteen (18) years of age and older, whose primary residence is within the neighborhood district or subdistrict, as applicable.

"Qualified voter" means a person, eighteen (18) years of age and older, whose primary residence is within the neighborhood district or subdistrict, as applicable, and is registered to vote in the Neighborhood Board System election.

"Registered voter" means any person duly registered to vote in the Neighborhood Board System election.

"Reissued ballot" means a ballot issued to a voter who has spoiled a ballot or reports no delivery or receipt of a ballot. The term **"duplicate ballot"** may be interchangeably used to define same.

"Spoiled ballot" means a ballot which is marked incorrectly by the voter, contains misprints, is illegibly printed, or contains some other defect.

"Uncontested race" means an election contest in which the number of duly registered candidates is equal to or less than the number of open seats available at the time of the election.

"Vote cast" means any ballot which is properly returned to the Neighborhood Commission, including a ballot that is blank or a ballot that is later rejected or disqualified for any reason.

"Voting system" means the use of electronic ballot cards, paper ballots, or any other system designated by the Neighborhood Commission or Executive Secretary by which votes are cast and counted in a Neighborhood Board System election.

Note: See Article 2 for definitions applicable to this Neighborhood Plan as a whole, and Article 4, Part 1 for definitions relating to neighborhood district boundaries. See Section 3-502 for the definition of "contested case."

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 § 3-1.1; Para: §§ 1-302(c), 2-101, 3-502(b), 4-101, 4-105, 7-205(b)] [Eff]

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

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Election Principles. (a) All elections shall be non-partisan and be Section 6-201. conducted by secret ballot. The method of election shall be by mail balloting. The one person, one vote principle shall apply.

(b) All elections shall be conducted in accordance with the election laws of the United States of America and the State of Hawaii insofar as applicable.

[Auth: RCH §§ 4-105(4), 13-116(1), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 13-116(1), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: None] [Eff

Chief Elections Officer. The Executive Secretary shall be deemed to Section 6-202. be the Chief Elections Officer to have responsibility for and authority to direct the administration and conduct of all Neighborhood Board System elections. The Executive Secretary may delegate responsibilities in these elections to other persons or parties as deemed necessary and appropriate.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104, 14-105; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104, 14-105; Hist: ; Para: §§ 1-305, 3-210(d), 3-401, 7-102(g)] [Eff

Section 6-203. Chief Monitoring Officer. A Chief Monitoring Officer, who is independent of the Neighborhood Commission, shall be appointed by the commission for each Neighborhood Board System election. The Chief Monitoring Officer shall have the responsibility to observe the conduct of the election, and report and certify the results of the election to the commission.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 6-603] [Eff

Section 6-301. Determination of Residence. The following provisions shall be applicable in determining the residence of a person for election purposes.

- (a) As set forth in Section 2-101, the following definitions shall apply:
 - (1) "Residence" means that place within the neighborhood district and subdistrict, as applicable, in which a person's habitation is fixed, wherein the person has the intention to remain, and to which, whenever absent, the person has the intention to return.
 - (2) "Resident" means a person who physically and legally dwells in a fixed place within the neighborhood district and subdistrict, as applicable.
 - (3) "Military Personnel" means a member of the armed forces of the United States of America, including the person's spouse and dependents, who is stationed within the city and county of Honolulu.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

- (4) **"Legal Resident Alien"** means any person who is not a citizen or national of the United States of America, but who is allowed under federal law to reside in the United States.
- (b) A person shall have only one residence.

- (c) When a person registers to vote or to be a candidate and gives as a primary residence address a location which does not have a street number, the following information shall be required:
 - (1) A description of the location of the residence of the person registering that is sufficient to ascertain a neighborhood district and subdistrict, as applicable, in which the person will vote or be a candidate; and
 - (2) A mailing address which is within the City and County of Honolulu, and where the person is legally entitled and does in fact receive mail.
- (d) No person claiming residence outside the jurisdiction of the City and County of Honolulu for purposes of voting in any state or national election shall be eligible to participate in the Neighborhood Board System election as a voter or as a candidate as defined in this Neighborhood Plan, except military personnel or as otherwise provided in this Neighborhood Plan.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 6-304, 6-305, 7-206] [Eff]

Section 6-302. Voter Eligibility and Registration. (a) All bona fide residents, including military personnel and legal resident aliens, whose primary residence is in the neighborhood district and subdistrict, as applicable, and who are at least eighteen (18) years of age by the third (3rd) Friday in February of the election year shall be entitled to register as a voter for the Neighborhood Board System election.

- (b) A resident qualified to register as a voter for a Neighborhood Board System election shall complete and subscribe to an application in the form of an affidavit to be provided by the Neighborhood Commission Office or city clerk. The affidavit shall contain, but not be limited to, the following information: name; social security number; date of birth; gender; contact telephone number; primary residence address and mailing address, if any; an oath or affirmation that the residence stated in the affidavit is the person's primary legal residence and all other information provided is true and correct; and the resident's signature.
- (c) The voter registration affidavit shall be filed with the Neighborhood Commission Office by the third (3rd) Friday in February of the election year. Any voter registration affidavit filed in person or delivered other than by United States mail shall reach the Neighborhood Commission Office by 4:30 p.m. on the closing date for registration. When filed by United States mail, the envelope containing the voter registration affidavit shall be postmarked no later than the third (3rd) Friday in February of the election year and shall reach the Neighborhood Commission Office by 4:30 p.m. on the seventh (7th) calendar day following this postmark closing date.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

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(d) No voter registration affidavit shall be filed with the Neighborhood Commission Office or the city clerk by means of a facsimile (fax) machine or by any other electronic means, unless otherwise duly authorized by law.

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(e) Any filed voter registration affidavit which fails to satisfy these rules shall be disqualified and the affected party promptly notified accordingly.

9 10 11 (f) A bona fide resident officially listed by the city clerk as a registered voter for the State of Hawaii election as of the third (3rd) Friday in February of the election year may declared by the Executive Secretary to be pre-registered as a voter for the Neighborhood Board System election.

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(g) Registration to vote in the Neighborhood Board System election shall be limited to the neighborhood district and subdistrict, as applicable, of the person's primary residence as of the third (3rd) Friday in February of the election year. A voter shall be required to register for each succeeding election, except as otherwise provided by this Neighborhood Plan, county ordinance, state law, or federal law.

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(h) Not later than thirty (30) calendar days following the close of voter registration, the Neighborhood Commission Office shall make available for public inspection a general register and listing of voters by neighborhood district and subdistrict, as applicable.

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[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 6-303] [Eff

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Candidate Eligibility and Registration. (a) Any bona fide resident, Section 6-303. including military personnel and legal resident aliens, whose primary residence is in the neighborhood district and subdistrict, as applicable, who has attained the age of eighteen (18) years or who is seventeen (17) and will be eighteen (18) years of age by the third (3rd) Friday in February of the election year, and is duly registered as a voter for the Neighborhood Board System election in accordance with Section 6-302, shall be eligible as a candidate to seek election to a board seat in the neighborhood district or subdistrict, as applicable, in which the person's primary residence is located.

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(b) A resident qualified to register as a candidate for a Neighborhood Board System election shall complete and subscribe to an application in the form of an affidavit to be provided by the Neighborhood Commission Office. The affidavit shall contain, but not be limited to, the following information: candidate name; board seat seeking; social security number; date of birth; gender; contact telephone number; primary residence address and mailing address, if any; an oath or affirmation that the residence stated in the affidavit is the person's primary legal residence and all other information provided is true and correct; and the candidate's signature.

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(c) The candidate registration affidavit shall be filed with the Neighborhood Commission Office by the third (3rd) Friday in February of the election year. Any candidate registration affidavit filed in person or delivered other than by United States mail shall reach the

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Neighborhood Commission Office by 4:30 p.m. on the closing date for candidate registration. When filed by United States mail, the envelope containing the candidate registration affidavit shall be postmarked no later than the third (3rd) Friday in February of the election year and shall reach the Neighborhood Commission Office by 4:30 p.m. on the seventh (7th) calendar day following this postmark closing date.

(d) No candidate registration affidavit shall be filed with the Neighborhood Commission Office by means of a facsimile (fax) machine or by any other electronic means, unless otherwise duly authorized by the Chief Elections Officer or Neighborhood Commission.

(e) Any filed candidate registration affidavit which fails to satisfy these rules shall be disqualified and the affected party promptly notified accordingly.

[Auth: RCH §§ 3-104, 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 3-104, 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 §§ 3-5.1, 3-5.2, 3-5.3; Para: § 6-302] [Eff]

Section 6-304. Residency Paramount. No person shall register to vote or vote nor shall any person register as a candidate in any neighborhood district or subdistrict election, as applicable, other than that in which the voter or candidate resides not later than the third (3rd) Friday in February of the election year.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 6-301, 6-305, 7-207] [Eff]

Section 6-305. Disqualification by Relocation. Any candidate seeking election to a board shall be disqualified immediately upon the person's moving to a new residence located out of the neighborhood district or subdistrict, as applicable, for which the person registered as a candidate to represent.

 [Auth: RCH §§ 3-104, 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 3-104, 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 6-301, 6-303, 6-304, 7-207, 7-208] [Eff]

Section 6-306. Concurrent Candidacy Prohibition. No person shall concurrently register as a candidate for election to more than one neighborhood board or more than one seat on a neighborhood board.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: RNP 1986 § 3-5.4; Para: § 7-201] [Eff]

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Section 6-307. Impropriety Prohibition. No candidate shall serve as an election official or election employee in the same election in which the person is a candidate; nor shall any parent, sibling, spouse, or child of any candidate be eligible to serve as an election official or election employee in any area in which the ballots are handled or votes may be cast or tabulated for the candidates.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: None] [Eff]

Section 6-308. Candidate List. Not later than 4:30 p.m. on the seventh (7th) calendar day after the candidate withdrawal deadline, a list of all qualified candidates, certified by the Executive Secretary, shall be made available for public inspection. The list shall contain, but is not limited to, the names of all persons and the board seat for which each is a candidate.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: None] [Eff]

Section 6-309. Candidate Profile Statements. (a) When candidate profile statements are requested or required by the Neighborhood Commission Office for publication purposes, the information shall appear as submitted in writing by the registered candidate, provided that the contents comply with space limitations and contain no offensive language or untrue statements. Should it be necessary for the Neighborhood Commission Office to edit the candidate profile statement for any of these reasons, the candidate shall be afforded an opportunity to review the revised statement prior to any publication.

- (b) Under penalty of law, the candidate shall by oath or affirmation attest to the truth and accuracy of the information contained in the profile statement.
- (c) The Neighborhood Commission Office shall not have any duty or responsibility to verify the candidate's statements.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: | [Eff]

- **Section 6-310. Candidate Withdrawal.** (a) Any candidate may withdraw provided the notice of withdrawal is in writing and delivered to and received by the Executive Secretary by 4:30 p.m. on the tenth (10th) calendar day after the candidacy filing deadline.
- (b) In the event a candidate dies, is disqualified, or files a withdrawal notice before the withdrawal deadline of 4:30 p.m. on the tenth (10th) calendar day after the candidacy filing deadline, the candidate's name shall be excluded from the ballot.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(c) In the event a candidate dies, is disqualified, or files a withdrawal notice after the withdrawal deadline but before the ballots are mailed to voters pursuant to Section 6-402, the Executive Secretary shall order the candidate's name excluded or stricken from the ballot if feasible. In the event a candidate dies, is disqualified, or files a withdrawal notice after the withdrawal deadline and the Executive Secretary determines that it is not feasible to order the candidate's name excluded or stricken from the ballot, the Executive Secretary, if feasible, shall order that a notice of death, disqualification, or withdrawal be made available to the voters involved; provided that the manner of notice to the voters shall be determined by the Executive Secretary.

(d) In the event a candidate dies, is disqualified, or files a withdrawal notice after the withdrawal deadline and before the Neighborhood Commission accepts the certified election results pursuant to Section 6-603, the candidate with the next highest number of votes for the same seat shall fill the seat.

(e) In the event a candidate dies, is disqualified, or files a withdrawal notice or resignation after the Neighborhood Commission has accepted the certified election results pursuant to Section 6-603, the seat shall be declared vacant and shall be filled by the newly elected neighborhood board pursuant to Section 7-203.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para:] [Eff]

Section 6-311. Insufficiency of Candidates. If there is an insufficient number of candidates for a neighborhood district or subdistrict, as applicable, the vacancy or vacancies shall be filled by the newly elected neighborhood board pursuant to Section 7-203.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para:] [Eff]

Section 6-312. Vacancies. When the total membership to which a neighborhood board is entitled remains unfilled after certification of the election results by the Neighborhood Commission pursuant to Section 6-603 due to an insufficient number of candidates or by a candidate's death, disqualification, withdrawal, or resignation, any vacancy shall be filled by the newly elected neighborhood board pursuant to Section 7-203.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 7-203] [Eff]

Section 6-313. Election Campaigns and Finance. The conduct of any campaigns for election to neighborhood board seats, the formation and management of campaign

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

organizations, and the conduct of campaign financing and administration matters, shall be the responsibility of the candidate and done in accordance with all applicable laws.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ;Para:] [Eff]

Section 6-401. Ballots. (a) A ballot shall contain the names of all candidates for the neighborhood district and subdistrict election, as applicable; indicate the manner in which the ballots are to be marked; and state that the voter shall vote for not more than the number of authorized seats or the number of candidates listed when the number of candidates is less than the number of authorized seats available.

(b) The names of the candidates shall be placed on the ballot in alphabetical order, last names (surname) first, and may be printed with the Hawaiian or English equivalent or nickname, provided the candidate so requests in writing on the candidate registration affidavit furnished by the Neighborhood Commission Office at the time the declaration is filed.

- (c) The ballot shall bear no personal or professional title, word, motto, device, sign, or symbol other than the official seal of the City and County of Honolulu and/or the Neighborhood Commission's logo, unless otherwise declared essential by the Executive Secretary.
- (d) Draft ballot layouts may be made available for public inspection after the candidate registration deadline and for the purposes of voter education.
- (e) The ballot mailing shall only contain materials pertaining to the election of neighborhood board members.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: | [Eff]

Section 6-402. Ballot Mailing Deadline. The Neighborhood Commission Office shall distribute ballots by United States mail to duly registered voters not later than the fourth (4th) Friday in April of the election year. [Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para:] [Eff]

Section 6-403. Replacement Ballots. (a) A registered voter who does not receive, loses, or spoils a ballot may notify the Neighborhood Commission Office and request a replacement ballot. The Neighborhood Commission Office may issue a new ballot which shall be appropriately marked **"Second Ballot"** (or in the alternative **"2nd Ballot"**).

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(b) The period to issue replacement ballots shall open seven (7) calendar days after the date the ballots are mailed pursuant to Section 6-402, and close on the return of ballots deadline stated at Section 6-404. Replacement ballot requests shall be honored only during this period.

- (c) Ballot replacement requests which are submitted by mail shall be postmarked not later than seven (7) calendar days prior to the return of ballots deadline stated at Section 6-404.
- (d) Ballot replacement requests which are made in person at the Neighborhood Commission Office shall be made not later than 4:30 p.m. on the return of ballots deadline stated at Section 6-404.
- (e) Upon receipt of a replacement ballot request within the period specified in subsection (b), the Neighborhood Commission Office shall ascertain whether the person is registered to vote and entitled to receive a replacement ballot. Upon verification, a replacement ballot shall be appropriately issued in an official election packet.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para:] [Eff]

Section 6-404. Return of Ballots. (a) All ballots shall be returned by United States mail in the return envelope provided, postmarked not later than the third (3rd) Friday in May of the election year, and received by the Neighborhood Commission Office not later than seven (7) calendar days after the postmark deadline.

(b) Any ballot which is (1) delivered to the Neighborhood Commission Office other than by United States mail, (2) postmarked after the ballot return deadline, or (3) received more than seven (7) calendar days after the postmark deadline shall be disqualified and declared invalid.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para:] [Eff]

Section 6-501. Uncontested Races. (a) The Chief Elections Officer shall have the discretionary authority to determine whether to mail out ballots for any neighborhood district or subdistrict election, as applicable, which has an uncontested race.

- (b) If ballots are not mailed out for a specific neighborhood district or subdistrict election, the Chief Elections Officer shall use some other reasonable means to timely notify the affected electorate of the candidate profiles, the uncontested race results, and any remaining vacancies in the respective neighborhood district or subdistrict.
- (c) If ballots are not mailed out for a specific neighborhood district or subdistrict election due to its being an uncontested race, the Chief Elections Officer shall be directed to declare

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

the duly registered unopposed candidates in such uncontested races as duly elected. Such candidates shall then be deemed duly elected.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para:] [Eff]

Section 6-601. Ballot Secrecy and Security. (a) The secrecy of the ballot and the accurate recording, counting, and safeguarding of the ballot shall be paramount.

- (b) Insofar as the limits of the room or counting center in which the tabulation of ballots takes place reasonably allows, the counting of ballots shall be observable by the public. At no time shall the public interfere with the election process.
- (c) Any violation, wrongdoing, or discrepancy relating to these election rules shall be made known to the Executive Secretary, the Chief Monitoring Officer, or any designated representative promptly and at the earliest possible time.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para:] [Eff]

Section 6-602. Ballot Tabulation and Recordkeeping Procedures. (a) A voted ballot envelope containing a ballot shall be signed by the registered voter identified on the envelope in the space provided on the outside of the envelope. Unsigned ballot envelopes shall be disqualified and declared invalid. Valid ballot envelopes which are found to contain no ballots shall be marked **"invalid"** for auditing purposes and deposited in the invalid ballot box.

- (b) If a ballot replacement has been made pursuant to Section 6-403 and the original ballot is returned, it shall be marked **"spoiled"** by the Chief Monitoring Officer or any designated election official and shall be disqualified and declared invalid.
- (c) All invalid, spoiled, or challenged ballots shall be segregated and retained apart from all other ballots in a secure manner.
- (d) In counting the ballots, the total number of ballots shall be verified to equal the total number of voted ballot envelopes recorded as received. When there are more ballots than the records show as having been received, it shall be an overage and when less ballots it shall be a shortage. The Chief Elections Officer shall duly record any overage or shortage after completion of the ballot tabulation.
- (e) Should the overage or shortage of ballots be deemed sufficient to change the outcome of any election contest, an investigation shall be conducted by the Chief Monitoring Officer or a designated election official. The Chief Monitoring Officer's certified report disclosing the findings of the investigation shall be submitted with the Chief Elections Officer's certified election results to the Neighborhood Commission for its review, evaluation, and acceptance.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(f) The tally sheets used in counting the ballots cast shall be marked and handled in a secure manner. After all ballots have been tabulated, the tally sheets and ballots shall be retained by the Chief Elections Officer for sixty (60) calendar days after the certified election results have been made public.

(g) Unless otherwise directed by the Neighborhood Commission, after certification of the election results and expiration of the sixty (60) calendar day period stated at subsection (f), the Chief Elections Officer may destroy the ballots and other election materials not needed for the Neighborhood Commission Office archives.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para:] [Eff]

Section 6-603. Certification of Election Results. (a) The Chief Monitoring Officer shall present the ballot tabulation results of the election to the Chief Elections Officer for certification and presentation to the Neighborhood Commission for its review, evaluation, and acceptance.

(b) The accepted certified election results shall be made public by the Neighborhood Commission not later than the first (1st) Friday in June of the election year.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 6-202, 6-203] [Eff]

Section 6-604. Issuance of Certificates of Election. The Executive Secretary shall issue an appropriate certificate of election to each neighborhood board member duly elected in accordance with Article 6 or duly elected to fill a vacancy in accordance with Section 7-203. [Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104, 14-105; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104, 14-105; Hist: New; Para: §§ 7-203, 7-204] [Eff

Section 6-701. Voter Registration Challenge. (a) Not later than sixty (60) calendar days following the close of voter registration, a resident who is registered with the Neighborhood Commission to vote in the Neighborhood Board System election may challenge the right of a person to be or to remain registered as a voter in a specific neighborhood district or subdistrict, as applicable. No voter registration challenge shall be accepted after this deadline.

(b) The challenge shall be on the grounds that the person fails to meet the voter eligibility or registration requirements as set forth in Section 6-302. The challenge shall be made in writing, set forth the grounds upon which it is based, and shall be signed by the person making the challenge. All voter registration challenges shall be timely filed with the Chief Elections Officer, who shall promptly serve notice on the person challenged.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(c) The Chief Elections Officer shall, as soon as possible, investigate and decide on the challenge. The Chief Elections Officer shall be empowered to conduct evidentiary hearings and to administer oaths. A hearing, if needed, shall be held not later than ten (10) calendar days after the challenge is filed. All challenges shall be decided by the Chief Elections Officer not later than 4:30 p.m. on the second (2nd) calendar day after the challenge is filed or if a hearing is needed, after the hearing is concluded. All decisions shall be issued in writing by the Chief Elections Officer and promptly communicated to the parties and the Neighborhood Commission.

(d) The person's proof of primary residence and age shall include, but not be limited to, a government-issued identification card, passport, driver's license, birth certificate, or a notarized statement.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para:] [Eff]

Section 6-702. Candidate Registration Challenge. (a) A candidate registration filed in conformity with Section 6-303 shall be considered valid unless a challenge is made not later than the third (3rd) Friday in March of the election year by the Chief Elections Officer, the Chief Monitoring Officer, or a resident who is registered with the Neighborhood Commission to vote in the Neighborhood Board System election. No candidate registration challenge shall be accepted after this deadline.

(b) The challenge shall be on the grounds that the person fails to meet the candidate eligibility or registration requirements as set forth in Section 6-303. The challenge shall be made in writing, set forth the grounds upon which it is based, and shall be signed by the person making the challenge. All candidate registration challenges shall be timely filed with the Chief Elections Officer, who shall promptly serve notice on the person challenged.

(c) The Chief Elections Officer shall be empowered to conduct evidentiary hearings and to administer oaths. A hearing, if needed, shall be held not later than ten (10) calendar days after the challenge is filed. All challenges shall be decided by the Chief Elections Officer not later than 4:30 p.m. on the second (2nd) calendar day after the challenge is filed or if a hearing is needed, after the hearing is concluded. All decisions shall be issued in writing by the Chief Elections Officer and promptly communicated to the parties and the Neighborhood Commission.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para:] [Eff]

Section 6-703. Other Challenges. (a) All challenges or charges of violations related to a Neighborhood Board System election other than provided for under Sections 6-701 and 6-702 shall be filed not later than seven (7) calendar days after the certified election results are made public pursuant to Section 6-603.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(b) All challenges or charges of violations shall be made in writing, set forth the grounds upon which it is based, and shall be signed by not less than thirty (30) registered voters of the affected neighborhood district or subdistrict, as applicable. The challenge or charge shall be timely filed with the Executive Secretary, who shall promptly serve notice on the person or persons affected by the action.

(c) The Chief Elections Officer shall be empowered to conduct evidentiary hearings and to administer oaths. A hearing, if needed, shall be held not later than ten (10) calendar days after the challenge or charge is filed. All challenges or charges of violations shall be decided by the Chief Elections Officer not later than 4:30 p.m. on the second (2nd) calendar day after the challenge or charge is filed, or when a hearing is needed, after the hearing is concluded. All decisions shall be issued in writing by the Chief Elections Officer and promptly communicated to the parties and Neighborhood Commission.

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[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: ] [Eff ]
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ARTICLE 7 RULES OF THE NEIGHBORHOOD BOARDS

Section	7-101.	To Obtain Information.
	7-102.	Neighborhood Board Powers, Duties, and Functions.
	7-103.	Representative Capacity of Neighborhood Board Members.
	7-104.	Community Forum Limitations.
	7-105.	Compensation.
	7-201.	Membership.
	7-202.	Concurrent Holding of Elective Public Office Prohibition.
	7-203.	Membership Vacancy.
	7-204.	Oath of Office.
	7-205.	Attendance of Members.
	7-206.	Absences and Removal Process; Resignation.
	7-207.	Reporting Change of Residency.
	7-208.	Disqualification by Relocation.
	7-301.	Neighborhood Board Term.
	7-302.	Transition and Initial Convening.
	7-303.	Regular Meetings.
	7-304.	Special Meetings.
	7-305.	Executive Meetings.
	7-306.	Meeting Notice and Agenda.
	7-307.	Priority of Business.
	7-308.	Meeting Minutes.
	7-401.	Officers.
	7-402.	Removal of an Officer.
	7-403.	Officer Vacancy.
	Section	7-102. 7-103. 7-104. 7-105. 7-201. 7-202. 7-203. 7-204. 7-205. 7-206. 7-207. 7-208. 7-301. 7-302. 7-303. 7-304. 7-305. 7-306. 7-307. 7-308. 7-401. 7-402.

Duties of Officers.

7-404.

Page 75/104

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

1	7-501.	Committees.
2	7-502.	Committee Chairs and Membership.
3	7-503.	Committee Meetings.
4	7-504.	Appointment of Delegates.
5	7-601.	Quorum and Majority Vote.
6	7-602.	Voting.
7	7-603.	Motions.
8	7-604.	Summary Chart of Motions.
9	7-605.	Suspension of the Rules.
10	7-606.	Adjournment.
11	7-607.	Motion to Adjourn.
12	7-608.	Order and Decorum.
13	7-609.	Question of Order.
14	7-610.	"Call for the Question."
15	7-611.	Debate.
16	7-612.	Parliamentary Procedure Guidance.
17	7-701.	Conflicts of Interest.
18	7-702.	Disclosure of Interest.
19	7-703.	Political Activity.
20	7-704.	Acceptance of Gifts or Donations.
21	7-801.	Recall of a Neighborhood Board Member.
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Section 7-101. **To Obtain Information.** (a) The public may obtain information as to the matters within the jurisdiction of the neighborhood boards by inquiring during regular business hours at:

> The Neighborhood Commission Office City Hall, Room 400 530 South King Street Honolulu, Hawaii 96813 (808) 527-5749 Telephone Fax (808) 527-5760 E-mail

nco@co.honolulu.hi.us Internet Website: www.co.honolulu.hi.us

or at such other principal places of business as may be established by the Neighborhood Commission and the City & County of Honolulu; or by submitting a request for information directed to the chair of a specific neighborhood board.

(b) Inquiries may be made in person or by telephone during regular business hours, or by submitting a request for information in writing to the Neighborhood Commission Office by letter, fax, or e-mail.

(c) A directory of the members and officers of each neighborhood board is maintained by the Neighborhood Commission Office and is available for public inspection.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

- (d) All neighborhood board rules, agendas, minutes of meetings, and other public documents are on file and available for public inspection at the Neighborhood Commission Office, are otherwise retrievable through assistance from the Neighborhood Commission Office, or through arrangement with the chair of a specific neighborhood board.
- (e) Copies of the rules, agendas, minutes of meetings, and other public documents of the neighborhood boards are available to the public at a price fixed by law.
- (f) Any person or agency that requests to receive notice of Neighborhood Commission or a specific neighborhood board's activities, meetings, or hearings shall be placed on an appropriate mailing list to be maintained by the Neighborhood Commission Office. The Neighborhood Commission Office shall duly distribute a copy of the appropriate meeting or hearing notices and agendas to those persons and agencies on the mailing list as an administrative service for the Neighborhood Commission and neighborhood boards. The Neighborhood Commission Office and neighborhood boards may periodically update the mailing list by inquiring whether those persons and agencies then included on the mailing list wish to continue to receive public notices of the Neighborhood Commission or that neighborhood board, and may remove from the mailing list any persons and agencies that do not respond to the inquiry.

[Auth: RCH §§ 4-105(4), 13-105, 14-101, 14-102, 14-103, 14-104; HRS § 91-2(a)(1); Imp: RCH §§ 4-105(4), 13-105, 14-101, 14-102, 14-103, 14-104; HRS §§ 91-2(a)(1), 92-7; Hist: ; Para: §§ 1-201, 7-306(e)] [Eff]

Section 7-102. Neighborhood Board Powers, Duties, and Functions. (a) The neighborhood boards are responsible for actively participating in the functions and processes of government by identifying, addressing, communicating, and seeking solutions to neighborhood issues and concerns, both within and outside of their respective neighborhood areas. Their actions should reflect the needs, wants, and interests of the neighborhood. Boards are encouraged to take the initiative in selecting and prioritizing their activities, and to provide reasonable means to increase and assure effective citizen participation in the governmental process.

- (b) The powers, duties, and functions of neighborhood boards shall include, but not be limited to:
 - (1) Increase and assure effective citizen participation in the decisions of government by providing additional and improved opportunities for public input, and communicating that input to the appropriate persons and agencies;
 - (2) Initiate, review, comment, make recommendations, and advocate on any general plan, development and sustainable communities plan, zoning, planning, permitting, and other land use issues and matters both within and beyond its neighborhood district boundaries;
 - (3) Initiate, review, comment, make recommendations, and advocate on any other substantive issues reasonably related to the processes or decisions of government;
 - (4) Identify, prioritize, review, comment, make recommendations, and advocate on any capital improvement proposals, plans, and projects;

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

- (5) Assist with evaluations of the efficiency and effectiveness of the delivery of government services and programs, whether through government agencies or contractors;
- (6) Promote general understanding of the decision-making processes of government relevant to neighborhood board issues, functions, and activities; and
- (7) Promote the role of the neighborhood board as a public and informational forum on relevant community and governmental issues in accordance with the purpose of the Neighborhood Board System.
- (c) The neighborhood boards shall comply with Hawaii Revised Statutes Chapter 92 the "Sunshine Law." (See Appendix A4.)
- (d) Neighborhood boards, with reasonable assistance from the Neighborhood Commission Office, are encouraged to network with each other, especially on a regional basis, in order to promote general awareness and understanding of issues of mutual concern, explore opportunities for collaboration, and foster beneficial relationships to further increase and assure effective citizen participation in the decisions of government.
- (e) No deference, whether by the timing of taking an official action, the expression or non-expression of a substantive position, or in any other manner, shall be necessary by any neighborhood board to any other neighborhood board within whose neighborhood area an issue may be geographically located or have potentially greatest impact. Each neighborhood board is fully entitled to express its own view, opinion, or advice on any matter in order to properly fulfill its duty to increase and assure effective citizen participation in the decisions of government.
- (f) Within the legal limitations of the role of neighborhood boards and the use of public resources, boards may cooperate and collaborate with persons, agencies, and community organizations so long as the cooperation and collaboration does not exceed the powers, duties, and functions of neighborhood boards as allowed by the Charter and this Neighborhood Plan.
- (g) As a matter of protocol, all inquiries by the neighborhood boards and their members directed to the Department of the Corporation Counsel shall be submitted through the Executive Secretary, unless otherwise directed by the Neighborhood Commission. Section 5-203 of the Charter provides that "the corporation counsel shall serve as the chief legal adviser and legal representative of all agencies, the council, and all officers and employees in matters relating to their official powers and duties."

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS c 92 & § 92-3; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS c 92 & § 92-3; Hist: ; Para: §§ 1-303(a), 1-305, 3-201(d), 3-401(d), 7-306(d)]

Section 7-103. Representative Capacity of Neighborhood Board Members. Each and every duly elected member of a neighborhood board shall act in accordance with the standards of conduct set forth in Section 1-401, and, whether elected by vote of the neighborhood district or subdistrict, as applicable, or by vote of the neighborhood board to

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

fill a vacancy, shall represent the entire district and act responsibly in fulfillment of the neighborhood board's democratic and advisory duty to increase and assure effective citizen participation in the decisions of government.

[Auth: RCH §§ 4-105(4), 11-101, 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 11-101, 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 1-301, 1-401, 7-201, 7-204] [Eff]

Section 7-104. Community Forum Limitations. (a) The Neighborhood Board System is a part of the City & County of Honolulu government. The democratic and advisory duty of the neighborhood boards is to increase and assure effective citizen participation in the decisions of government in accordance with Section 14-101 of the Charter (see Section 1-301(a)).

- (b) Neighborhood boards, in the performance of their powers, duties, and functions (see Section 7-102), serve as community forums by the promotion of open expression and discussion of ideas relating to government and community processes and activities by the board members and public. Care shall be taken to ensure that the public discussion is responsibly conducted and is reasonably related to the purpose stated in subsection (a) above.
- (c) All discussion and consideration of public affairs shall avoid purely private matters except to the extent that policies, processes, or decision-making of government may be involved.
- (d) Neighborhood boards may reasonably engage in activities which recognize and celebrate the participation, contributions, and accomplishments of persons, agencies, and community organizations in the life of that neighborhood area or the community at large.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 1-301(a), 7-102] [Eff]

Section 7-105. Compensation. The members of neighborhood boards shall receive no compensation, but shall be entitled to reimbursement of expenses incurred by them in the performance of their official duties as provided by ordinance and the budget rules established by the Executive Secretary in accordance with Section 1-306.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104, 14-105; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-105; Hist: ; Para: § 1-306] [Eff]

Section 7-201. Membership. (a) The members of the neighborhood board shall all be bona fide residents, including military personnel and legal resident aliens, whose primary residence is in the neighborhood district and subdistrict, as applicable, are at least eighteen (18) years of age, and duly elected by vote of the respective neighborhood district or

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

subdistrict, as applicable, or by vote of the respective neighborhood board to fill a vacancy, in accordance with the Charter and this Neighborhood Plan.

- (b) Except as set forth in Section 7-202, no officer or employee of any branch or agency of the federal, state, or city and county government shall be precluded from membership on a neighborhood board.
- (c) No term limits shall apply to neighborhood board members.
- (d) Any neighborhood board member may be removed by recall as provided in Section 7-801.

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[Auth: RCH §§ 3-104, 4-105(4), 13-119, 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 3-104, 4-105(4), 13-119, 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 1-302(b), 3-101, 5-102(b), 7-301] [Eff ]
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Section 7-202. Concurrent Holding of Elective Public Office Prohibition. (a) A person shall not serve concurrently in an elective public office and as a member of any neighborhood board.

- (b) A neighborhood board member elected or appointed to an elective public office shall be disqualified from membership on the board upon the start of the term of office for which elected or upon the administration of the oath of office for which appointed.
- (c) A neighborhood board member shall not be required to resign from the seat held in order to run as a candidate for any other elective public office.

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[Auth: RCH §§ 3-104, 4-105(4), 13-119, 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 3-104, 4-105(4), 13-119, 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 1-302(b), 3-101, 3-303, 5-102(b), 7-301, 7-703] [Eff
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- **Section 7-203. Membership Vacancy.** (a) Any vacancy occurring other than by the expiration of a term of office shall be promptly filled by the neighborhood board as soon as practicable after its occurrence. The remaining members of the board shall elect a successor of requisite qualifications to fill the vacancy for the remainder of the unexpired term.
- (b) Any vacancy shall be filled at a regular or special meeting of the board, provided that proper notice is given on the agenda duly filed with the city clerk and distributed to all remaining members of the board and the mailing list.
- (c) A majority vote of all the members to which the board is entitled shall be necessary to elect a person of requisite qualifications to fill any vacancy; provided, however, that if the number of vacancies on the board makes attainment of a majority vote of all of the members to which the board is entitled impossible, then a majority vote of the remaining

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

members of the board shall be sufficient to elect a duly qualified person to fill a vacancy. A unanimous vote shall not be required to elect a person to fill a vacancy.

(d) Upon the election of a duly qualified person to fill a vacancy, that person shall subscribe to the oath of office set forth in Section 7-204 before entering upon the duties of office. After administration of the oath of office, the person may immediately join the board members at the table and fully participate in the board's activities as a member; provided that the newly elected person shall, by the seventh (7th) calendar day after the date of election, complete and subscribe to a candidate registration application in the form of an affidavit to be provided by and submitted to the Neighborhood Commission Office pursuant to Section 6-308(2). A person's failure to timely complete and submit the above required affidavit shall render the person's election to the board null and void, and disqualify the person from any further consideration as a candidate to fill a vacancy until the required affidavit is duly completed and submitted to the Neighborhood Commission Office.

[Auth: RCH §§ 3-104, 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 3-104, 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 6-313, 8-103] [Eff]

Section 7-204. Oath of Office. (a) Upon election to a neighborhood board in accordance with this Neighborhood Plan, and before entering upon the duties of office, each member elected shall subscribe to the following oath or affirmation before a person, including Neighborhood Assistants, duly qualified to administer oaths:

"I solemnly swear (or affirm) that I will faithfully support the Constitution and laws of the United States of America, the Constitution and laws of the State of Hawaii, the Charter and laws of the City and County of Honolulu, and the provisions of the Neighborhood Plan, and conscientiously and impartially discharge my duties, to the best of my ability, as a member of the Neighborhood Board to which I have been elected."

(b) Newly elected members of the neighborhood boards shall not be entitled or authorized to officially assume the duties of office, participate as board members to vote for the election of officers, or otherwise conduct board business until they take or subscribe to the required oath of office.

[Auth: RCH §§ 4-105(4), 13-118, 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 13-118, 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 3-102] [Eff]

Section 7-205. Attendance of Members. (a) All members shall be expected to attend all duly noticed meetings of the neighborhood board. If a member cannot attend a meeting, the member should promptly notify the chair or Executive Secretary. A member shall be recorded in the minutes as being either present or absent; an absence need not be deemed excused or unexcused.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(b) If a member accumulates three (3) absences from duly noticed regular board meetings within a one (1) year period, beginning July 1 and ending June 30, the board shall address the matter and may remove the member pursuant to Section 7-206.

(c) The Executive Secretary through the Neighborhood Assistants assigned to the respective neighborhood boards, and the neighborhood board chair, shall keep a record of attendance.

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[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 3-103] [Eff ]
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Section 7-206. Absences and Removal Process; Resignation. (a) When a board member accumulates three (3) absences from duly noticed regular board meetings within a one (1) year period, beginning July 1 and ending June 30, the Executive Secretary shall issue a letter, sent by United States first class mail, to the board member and board chair to advise the member of the accumulated three (3) absences and direct the chair to place the matter of the member's absences on the board's next regular meeting agenda for the board's consideration of whether to remove the member and declare the seat vacant. The agenda for the same meeting may also include the immediate election to fill the possible vacancy in the event the board does act to remove the member and declare the seat vacant.

- (b) The board member who has accumulated three (3) absences and been sent the Executive Secretary's notice shall have the opportunity to appear before the neighborhood board at its next duly noticed regular meeting to explain the circumstances of the absences and request to be retained on the board. The member may choose not to attend the meeting, but in any case it shall be the board's discretion to vote on whether to retain or remove the member. There is no automatic removal or disqualification of a board member based on the number of absences; a neighborhood board must take affirmative action to remove a member and declare the seat vacant.
- (c) If the board member is retained, whether by vote or otherwise, and accumulates an additional three (3) absences within the one (1) year period beginning July 1 and ending June 30, the Executive Secretary shall again issue a letter, sent by United States first class mail, to the board member and board chair, and the process of Subsections 7-206(1) and (2) shall be repeated.
- (d) A board member shall always have the option to resign from the seat held at any time and for any reason whatsoever. It is preferred that any notice of resignation be in writing and directed to the board chair and Executive Secretary.

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[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 3-103] [Eff ]
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Section 7-207. Reporting Change of Residency. (a) When a neighborhood board member changes residency during the term to which elected, the member shall report the new residence address to the Executive Secretary within ten (10) calendar days of the

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

change. A post office box number, mailing service address, or any other address which is not the member's actual residence address shall not be used or acceptable to satisfy this requirement.

(b) The Executive Secretary shall establish a form to be used for recording the date of report, name of neighborhood board and member, and new residence address of the member, and shall verify that the new residence address is within the neighborhood district and subdistrict, as applicable, in order to determine that the member remains qualified to serve in the seat to which elected. The Executive Secretary shall also promptly notify the presiding officer of the respective neighborhood board of the member's change of residency.

(c) The report form and new residence address of a neighborhood board member shall be a public record and open to public inspection to the same extent as candidate registration affidavits for a neighborhood board seat.

(d) This change of residency reporting requirement shall not apply to a neighborhood board member who changes residency and promptly vacates the seat by submitting a notice of resignation in writing to the Executive Secretary and neighborhood board chair before the reporting deadline.

[Auth: RCH §§ 3-104, 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 3-104, 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: §§ 6-301, 6-303, 6-304, 6-305] [Eff]

Section 7-208. Disqualification by Relocation. Upon a neighborhood board member's moving to a new residence located out of the neighborhood district or subdistrict, as applicable, from which the board member was elected, the board member shall be immediately disqualified from membership on that neighborhood board and the seat deemed vacant.

[Auth: RCH §§ 3-104, 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 3-104, 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 6-301, 6-302, 6-303, 6-304, 6-305, 7-207] [Eff]

Section 7-301. Neighborhood Board Term. (a) The term of office for the members of the Neighborhood Board System shall be for a period of two years, from July 1 of an odd numbered year to June 30 of the next successive odd numbered year. All board members shall serve non-staggered terms of office, and all board seats shall be up for election at the same time in odd numbered years in accordance with Article 6 – Elections.

(b) The term for each respective neighborhood board shall be considered to run from that board's first regular meeting in July of an odd numbered year to the board's first regular meeting in July of the next successive odd numbered year, subject to the transition and initial convening provisions of Section 7-302.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

[Auth: RCH §§ 4-105(4), 9-101, 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 9-101, 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 1-302, 7-201(d)] [Eff]

Section 7-302. Transition and Initial Convening. (a) The chair or other presiding officer of the concluding term shall be responsible for the preparation and filing of the agenda for the first neighborhood board meeting, whether regular or special, to be held on or after July 1 of the new term. The agenda for the first board meeting of the new term shall include the election of officers as the first order of business.

(b) The outgoing presiding officer shall convene the first board meeting of the new term and conduct business until the election of the first presiding officer (not necessarily the chair) is concluded. The outgoing presiding officer who convened the meeting shall then pass the gavel to the newly elected presiding officer. If the outgoing presiding officer was not elected to serve on the board during the new term, the outgoing presiding officer shall then leave the board immediately upon the passing of the gavel.

(c) The outgoing presiding officer who convenes the first board meeting of the new term to effect the transition between terms need not have been elected to serve on the neighborhood board for the new term, but shall serve until the election of the first presiding officer is concluded in order to assure uninterrupted continuity in the conduct of the board's duties. If the outgoing presiding officer was not elected to serve on the board during the new term, the outgoing presiding officer shall have no vote in the election of the first presiding officer for the new term.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: §§ 7-301(b), 7-404] [Eff]

shall be held on a pre-established day of the month in not less than ten (10) months of the twelve (12) month annual cycle. The cycle shall start in July and end in June, unless otherwise established by the Neighborhood Commission. At no time shall more than two (2) consecutive months elapse between regular meetings. The pre-established day of the month shall be determined by the board at the initial convening of each term, with consideration given to the board's then established regular meeting day of the month, the availability of the Neighborhood Commission Office's support services, and the relationship

(b) All neighborhood board meetings shall be open public meetings held within the City & County of Honolulu, whether within or outside of a board's neighborhood area. The recording of all or any part of neighborhood board meetings by any person by means of any audiovisual technology shall be allowed, subject to the limitations set forth in Hawaii Revised Statutes Sections 92-3, 92-4, & 92-9. (See Appendix A2.)

to the meeting schedule of the Neighborhood Board System as a whole.

(c) The neighborhood boards shall comply with Hawaii Revised Statutes Chapter 92 – the "Sunshine Law." (See Appendix A4.)

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS c 92 & § 92-3; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS c 92 & § 92-3; Hist: ; Para: §§ 3-201, 7-102(c), 7-304] [Eff]

Section 7-304. Special Meetings. (a) Special meetings may be called at any time by the chair or a majority of the entire membership of the neighborhood board. The business and actions of the board at a special meeting shall be strictly limited to the agenda.

(b) Each board member shall be sent a meeting notice and agenda not less than six (6) calendar days prior to the special meeting. Mailing of the meeting notice and agenda to the member's last address of record shall be deemed sufficient. Notice of special meetings is also encouraged to be given to each board member in person, by telephone, fax, or e-mail by the presiding officer or Neighborhood Assistant.

(c) All neighborhood board meetings shall be open public meetings held within the City & County of Honolulu, whether within or outside of a board's neighborhood area. The recording of all or any part of neighborhood board meetings by any person by means of any audiovisual technology shall be allowed, subject to the limitations set forth in Hawaii Revised Statutes Sections 92-3, 92-4, & 92-9. (See Appendix A4.)

(d) The neighborhood boards shall comply with Hawaii Revised Statutes Chapter 92 – the "Sunshine Law." (See Appendix A4.)

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS § 92-3; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS § 92-3; Hist: ; Para: §§ 3-201, 7-102(c), 7-303, 7-306(d)] [Eff]

Section 7-305. Executive Meetings. A neighborhood board may hold an executive meeting closed to the public at any time upon an affirmative vote, taken at an open meeting, of two-thirds of the members present; provided the affirmative vote constitutes a majority of the members to which the board is entitled. A meeting closed to the public shall be limited to matters exempted by Hawaii Revised Statutes Section 92-5. The reason for holding an executive meeting shall be publicly announced and the vote of each member on the question of holding a meeting closed to the public shall be recorded and entered into the minutes of the meeting.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS §§ 92-4, 92-5; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS §§ 92-4, 92-5; Hist: ; Para: §3-202] [Eff]

Section 7-306. Meeting Notice and Agenda. (a) The neighborhood board shall give written public notice of any and all regular, special, or rescheduled meetings, or any executive meeting when anticipated in advance. The notice shall state the day, date, time,

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

and place of the meeting, and include an agenda which lists all of the items to be considered. In the case of an executive meeting, the purpose shall be stated on the agenda.

(b) The meeting notice and agenda shall be prepared by the chair or presiding officer, and shall be filed in the city clerk's office and Neighborhood Commission Office for public inspection at least six (6) calendar days before the meeting, and duly distributed to those persons and agencies that have requested to receive notice of meetings not less than six (6) calendar days prior to the scheduled meeting. The notice and agenda shall also be posted at the site of the meeting whenever feasible.

(c) Once filed with the city clerk, no item shall be added to the agenda for that duly noticed meeting except by a recorded two-thirds (2/3) majority vote of all members to which the board is entitled, and provided that no item shall be added to the agenda in this manner if it is of reasonably major importance and action thereon by the board will affect a significant number of persons.

(d) The neighborhood boards shall comply with Hawaii Revised Statutes Chapter 92 – the "Sunshine Law." (See Appendix A4.)

(e) Any person or agency that requests to receive notice of a specific neighborhood board's activities or meetings shall be placed on an appropriate mailing list to be maintained by the Neighborhood Commission Office. The Neighborhood Commission Office shall duly distribute a copy of the appropriate meeting notices and agendas to those persons and agencies on the mailing list as an administrative service for the neighborhood boards. The Neighborhood Commission Office and neighborhood boards may periodically update the mailing list by inquiring whether those persons and agencies then included on the mailing list wish to continue to receive public notices of that neighborhood board, and may remove from the mailing list any persons and agencies that do not respond to the inquiry.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS c 92 & § 92-7; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104, HRS c 92 & § 92-7; Hist: ; Para: §§ 1-201(f), 3-201(d), 3-203, 7-101(f), 7-102(c)] [Eff]

Section 7-307. Priority of Business. (a) After the call to order of a regular meeting, priority shall be given to representatives of the Honolulu Fire Department and the Honolulu Police Department to present their reports to the board and community, and respond to inquiries.

- (b) The neighborhood board may, by request of the presiding officer, a member, or by vote, designate any matter properly placed on the agenda to be a special order of business, which shall take precedence over all other business.
- (c) Except for the first meeting of the new term, the unfinished business in which the board was engaged at the time of the last adjournment shall have precedence on the agenda. No new business shall be received until such unfinished business is disposed of, unless by special leave of the board.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(d) All questions relating to the priority of business to be acted upon by the board shall be decided without debate.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 3-204] [Eff]

Section 7-308. Meeting Minutes. (a) The neighborhood board shall keep written minutes of all meetings. Unless otherwise required by law, neither a full transcript nor a recording of the meeting is required, but the written minutes shall give a true reflection of the matters discussed at the meeting and the views expressed by the members and participants. The minutes shall include, but need not be limited to:

- (1) The day, date, time, and place of the meeting;
- (2) The members of the board recorded as either present or absent;
- (3) The substance of all matters proposed, discussed, or decided; and a record, by individual member, of any votes taken; and
- (4) Any other information relevant to the duties or activities of the board that any member of the board requests be included or reflected in the minutes.
- (b) The minutes shall be public records and shall be available for review within thirty (30) calendar days after the meeting, except when such disclosure would be inconsistent with Hawaii Revised Statutes Section 92-5; provided that minutes of executive meetings may be withheld so long as their publication would defeat the lawful purpose of the executive meeting, but no longer.
- (c) Draft meeting minutes shall be prepared by a Neighborhood Assistant, the chair, the secretary, or some other board member duly designated by the chair, and shall be available for review at the Neighborhood Commission Office within thirty (30) calendar days after the meeting. The chair, or some other board member(s) duly designated by the chair, shall review the draft meeting minutes prior to publication and distribution to the board members and persons and agencies on the mailing list.
- (d) If a quorum is not attained at a meeting, the meeting notes shall be considered a memorandum for the record and not minutes.
- (e) All actions to approve or to amend and approve the minutes shall take place only at a duly noticed meeting of the board.
- (f) All meeting notices, agendas, minutes, and memorandums for the record shall be public records.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS § 92-9; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS § 92-9; Hist: ; Para: §§ 3-205, 3-206, 7-601] [Eff]

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Section 7-401. Officers. (a) The officers of a neighborhood board shall consist of the chair, one or more vice chairs, secretary, treasurer, and any other officers the board may determine to conduct its business.

(b) The chair and all other officers shall be elected annually by and from the membership of the board. Each officer shall be elected at a duly noticed meeting by a majority vote of the entire membership to which the board is entitled.

(c) The term of an officer shall be for one (1) year, beginning in July and ending the following June, or until the election of a successor.

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[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 3-210, 7-404] [Eff ]
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Section 7-402. Removal of an Officer. Any action to remove an officer shall occur only at a duly noticed meeting of a neighborhood board and shall require a majority vote of the entire membership to which the board is entitled.

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[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 3-211] [Eff ]
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Section 7-403. Officer Vacancy. (a) In the event the chair's seat becomes vacant for any reason, the vice chair shall serve as the temporary presiding officer until a successor is elected to fill the unexpired term of the chair.

(b) When a vacancy in any officer position occurs, the neighborhood board members shall elect a successor only at a duly noticed meeting of the board. The meeting agenda shall indicate the intent to fill the vacancy in an officer position. Each officer shall be elected by a majority vote of the entire membership to which the board is entitled. A board member elected to an officer vacancy shall serve the remainder term for that office.

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[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 3-212] [Eff ]
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Section 7-404. Duties of Officers.

(a) Presiding Officer. The chair shall be the presiding officer of the neighborhood board. In the absence or disability of the chair, the vice chair shall act as the presiding officer. If both the chair and vice chair are absent or otherwise disabled, the secretary shall act as the presiding officer. If the chair, vice chair, and secretary are absent or otherwise disabled, the treasurer shall act as the presiding officer or the board may elect a chair pro tem to temporarily serve as the presiding officer.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(b) Chair. It shall be the duty of the chair to:

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- (1) Serve as the spokesperson and representative of the board.
- (2) Prepare the agenda, taking care to include only appropriate matters properly worded, with the input and advice of the board members, Executive Secretary, and Corporation Counsel.
- (3) Review the draft meeting minutes prior to distribution to the members and mailing list.
- (4) Open all meetings of the board at the appointed time by taking the chair and calling the board to order.
- (5) Call for the approval of the minutes of the preceding meeting when a quorum shall be present.
- (6) Maintain order and proper decorum, with the assistance of all board members.
- (7) Make known all rules of order when so requested, and to decide all questions of order, subject to an appeal to the board.
- (8) Make known all rules of the Neighborhood Board System when necessary or requested.
- (9) Vote on all matters.
- (10) Announce the business before the board.
- (11) Receive and submit all appropriate matters properly brought before the board, to call for votes upon the same, and to announce the results.
- (12) Receive and promptly present or report all communications to the board.
- (13) Create appropriate committees and appoint and remove all committee chairs and members, unless otherwise directed by the board.
- (14) Appoint all board delegates, unless otherwise directed by the board.
- (15) Refer matters to committees as appropriate.
- (16) Authenticate by signature all advisory actions of the board as may be required.
- (17) Appoint a secretary pro tem in the absence of the secretary.
- (18) Assist the Neighborhood Assistant with the preparation of accurate minutes and maintenance of records of the board's proceedings.
- (19) Perform any other duties as may be assigned by the board, may properly appertain to the office, or may be required by law.

(c) Vice Chair. It shall be the duty of the vice chair to:

- (1) Assist the chair with conducting meetings and the administration of the board's activities.
- (2) Serve as the presiding officer and perform all duties and exercise all powers of the chair in the absence or disability of the chair.
- (3) Assist the Neighborhood Assistant with the preparation of accurate minutes and maintenance of records of the board's proceedings.
- (4) Perform such other duties as may be assigned by the board.

(d) **Secretary.** It shall be the duty of the secretary to:

- (1) Assist the chair and vice chair with conducting meetings and the administration of the board's activities.
- (2) Serve as the presiding officer and perform all duties and exercise all powers of the chair and vice chair in their absence or disability.
- (3) Assist the Neighborhood Assistant with the preparation of accurate minutes and maintenance of records of the board's proceedings.
- (4) Perform such other duties as may be assigned by the board.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

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(e) Treasurer. It shall be the duty of the treasurer to:

- (1) Assist the chair, vice chair, and secretary with conducting meetings and the administration of the board's activities.
- (2) Serve as the presiding officer and perform all duties and exercise all powers of the chair, vice chair, and secretary in their absence or disability.
- (3) Assist the Neighborhood Assistant with the preparation of accurate minutes and maintenance of records of the board's proceedings.
- (4) Perform such other duties as may be assigned by the board.
- (f) Other Officers. The duties of any other officers determined necessary and useful by the board to assist with the conduct of its business shall be as directed by the board.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 3-213] [Eff

Conference of Chairs. Section 7-405. The Executive Secretary shall convene an assembly, to be known as the Conference of Chairs, of all of the neighborhood board chairs and vice chairs to meet in open public meeting at least twice annually for the purposes of (1) promoting communication, cooperation, and collaboration; (2) discussion and evaluation of issues of mutual interest and concern; (3) review of the Neighborhood Plan; and (4) evaluation of the operations and administration of the Neighborhood Board System. The Conference of Chairs may meet at any time for open discussions, and may meet periodically on an island-wide and regional basis as desired by the participants.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104, 14-105; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104, 14-105; Hist: New; Para: None] [Eff

Section 7-501. **Committees.** (a) The neighborhood board shall be entitled to establish standing and ad hoc committees from among its membership and the public as necessary and appropriate to perform its duties. Subject to reasonable limitations which may be imposed by direction of the board, membership on a committee shall be open to all other interested persons - who are eligible and encouraged to participate, without regard to place of residence - consistent with the purpose of the Neighborhood Board System to increase and assure effective citizen participation in the decisions of government.

- (b) Committee responsibilities shall include, but not be limited to, the evaluation of matters presented to the board, information gathering, and initiation of proposals for the consideration of the full board.
- (c) The manner of committee conduct and decision making, whether by consensus, voting, or some other means, may be established by the board or committee.

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(d) Committees shall report to the full board at duly noticed meetings their activities, findings, recommendations, and the means by which any recommendations were determined.

(e) No committee may speak for the board. Any and all formal action by a board shall only be taken at a duly noticed meeting by a majority vote of the entire membership to which the board is entitled.

(f) The presiding officer of any committee of a neighborhood board or a majority of the committee present may expel from the committee meeting any person who is guilty of disorderly, contemptuous, or improper conduct at any committee meeting.

[Auth: RCH §§ 3-107(6), 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 3-107(6), 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 3-214] [Eff]

Section 7-502. Committee Chairs and Membership. (a) The chair of a neighborhood board committee shall be a member of that board. The committee chair shall be appointed and may be removed by the board chair, unless otherwise directed by the board.

(b) Membership on a committee shall be open to all other interested persons – who are eligible and encouraged to participate, without regard to place of residence – consistent with the purpose of the Neighborhood Board System to increase and assure effective citizen participation in the decisions of government.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: § 3-214] [Eff]

Section 7-503. Committee Meetings. All committees shall comply with Hawaii Revised Statutes Chapter 92 – the "Sunshine Law"; duly prepare meeting notices, agendas, and minutes; and hold meetings at places reasonably accessible to the public. Committee meeting notices and agendas shall be duly distributed to the board members and persons and agencies on the mailing list.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS c 92; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS c 92; Hist: New; Para: § 3-214] [Eff]

Section 7-504. Appointment of Delegates. (a) The neighborhood board may appoint delegates from among its membership and the public to represent the board in various matters as necessary and appropriate to perform its duties. The board, at the time of appointment of a delegate, shall define the scope of representation granted and duties assigned to the delegate.

(b) Delegates may be appointed by the board chair, unless otherwise directed by the board.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

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(c) Delegate responsibilities may include, but not be limited to, information gathering, attendance of various group meetings, evaluation of matters presented to the board, and initiation of proposals for the consideration of the full board.

(d) Delegates shall report to the full board at duly noticed meetings their activities, findings, recommendations, and the means by which any recommendations were determined.

(e) No delegate may speak for the board or exceed the scope of representation granted by the board. Any and all formal action by the board shall only be taken at a duly noticed meeting by a majority vote of the entire membership to which the board is entitled.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: §§ 3-215, 7-404(b)(14), 7-501] [Eff

Section 7-601. Quorum and Majority Vote. (a) The presence of a majority of all the members to which the board is entitled shall constitute a quorum to do business.

- (b) The affirmative vote of not less than the majority of the entire membership to which the board is entitled shall be necessary to take any action. Such action shall be made only at a duly noticed meeting open to the public.
- (c) So long as a board member is present within the meeting place, the member shall be counted for the purpose of determining quorum.
- (d) If a quorum is not present at the duly noticed meeting time, the presiding officer shall be allowed to call the meeting to order for the purposes of making announcements, hearing agency and community input, providing issue updates, and hearing presentations. No action shall be taken by the board until a quorum is attained. If a quorum is not attained, the meeting notes shall be considered a memorandum for the record and not minutes.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 3-205, 3-206, 7-308] [Eff

- Voting. (a) All neighborhood board meetings shall be open to the Section 7-602. public and every vote taken by the board shall be by open ballot. The vote of each board member shall be recorded in the meeting minutes.
- (b) All members of the board shall be entitled and qualified to vote at all times on the one person, one vote principle.
- (c) There shall be four (4) voting methods allowed in order to ascertain the decision of the board upon any matter: roll call; by show of hands; by voice vote; and by unanimous consent. The members shall vote in the affirmative, negative, or may abstain. A member

Page 92/104

DRAFT REVISED NEIGHBORHOOD PLAN 2006 PRELIMINARY CLEAN TEXT ONLY DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

1 may choose to be recused on any matter with sufficient reason to avoid a conflict of interest, 2 provided the reason is announced to the board.
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(d) In order to participate in the vote on any matter, a member shall be personally present at the time the vote is taken. No proxy shall be allowed.

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[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 3-207] [Eff]
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Section 7-603. Motions. (a) No motion shall be received and considered by the neighborhood board until the motion has been seconded, except that committee recommendations need not be seconded.

- (b) Motions and amendments may be stated orally but shall be recorded in writing by the Neighborhood Assistant or secretary and shall be read by the secretary or any member if so desired.
- (c) After a motion is stated or read by the chair, it is deemed in the possession of the board. However, any motion may be withdrawn by the mover with the consent of the corresponding second at any time before a vote is taken on the motion.
- (d) Whenever any question is under discussion, the motion relative thereto shall be:

First, to lay on the table;

Second, to postpone to a certain time;

Third, to commit (or refer);

Fourth, to amend; and

Fifth, to postpone indefinitely.

Such motions shall have precedence in the order stated. The first two motions shall be decided without debate.

(e) When one of the foregoing motions fails or is decided in the negative, the same shall not be revived at the same meeting relative to the main question under discussion. If all of the foregoing motions are decided in the negative, the only remaining question shall relate to the passage or adoption of the proposed action (main motion).

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[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 7-604] [Eff ]
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Section 7-604. Summary Chart of Motions.

MOTION		DEBATABLE	AMENDABLE	VOTE	MAY HAVE APPLIED TO IT
Ordinary Motions* (in order of rank)	 To Adjourn To Recess To Close Debate To Limit (Extend the Limits of) Debate To Postpone To Refer To Amend 	No No No Ves Yes Yes	No Yes** No Yes** Yes Yes Yes Yes	Majority Majority 2/3 2/3 Majority Majority Majority	3, 4, 7, C
Main Motion	n* (lowest rank)	Yes	Yes	Majority	3, 4, 5, 6, 7, C, E, F
Special Motions (no rank among themselves)	A. Point of Order B. To Appeal* C. To Withdraw D. To Suspend the Rules of Parliamentary Procedure E. To Reconsider* F. To Rescind*	No Yes No No Yes Yes	No No No No No Yes	None Majority Majority 2/3 Majority Majority	

^{*} When ordinary motions are made with no main motion on the floor, they are treated like other main motions. They are debatable and amendable, and their consideration may be referred or postponed.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: §§ 7-603, 7-605, 7-606, 7-607, 7-610] [Eff]

Source Note: Ray E. Keesey, <u>Modern Parliamentary Procedure</u> (Washington, D.C.: American Psychological Association, 1994), table inside front cover.

Section 7-605. Suspension of the Rules. (a) To promote and assure fairness and appropriate uniformity and consistency within the Neighborhood Board System as a whole, a motion by any neighborhood board or board member to suspend the rules of this Neighborhood Plan shall never be in order.

(b) A motion to suspend any rule of parliamentary procedure not otherwise set forth in this Neighborhood Plan or contrary to governing law may be made and considered by a

^{**} May be amended regarding time limitations only.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

neighborhood board in accordance with Robert's Rules of Order Newly Revised, as amended.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: §§ 3-216, 7-603, 7-604, 7-606, 7-607, 7-610] [Eff

Section 7-606. Adjournment. A meeting may be adjourned at any time by an affirmative vote of at least a majority of the entire membership to which the board is entitled. Every adjournment shall be deemed to be to the next regular meeting of the board, unless otherwise specified in the motion.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 7-603, 7-604, 7-605, 7-607, 7-610] [Eff]

Section 7-607. Motion to Adjourn. A motion to adjourn is always in order and shall be decided without debate. One motion to adjourn shall not follow another without intervening business. A meeting may be adjourned at any time by a majority vote of the entire membership to which the board is entitled, unless a quorum is lost. When a quorum is lost, the meeting may be adjourned by the affirmative vote of the majority of board members present.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 7-603, 7-604, 7-605, 7-606, 7-610] [Eff]

Section 7-608. Order and Decorum. (a) It shall be the duty of all neighborhood board members to promote and preserve the order and decorum of the board's proceedings.

- (b) The neighborhood board may suspend, for a period of not more than thirty (30) calendar days, any member for disorderly or contemptuous behavior in its presence, upon an affirmative vote of at least two-thirds (2/3) of its entire membership.
- (c) The presiding officer or the neighborhood board may, by a majority vote, expel any other person who is guilty of disorderly, contemptuous, or improper conduct at any meeting.

[Auth: RCH §§ 3-107(4), 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 3-107(4), 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 3-208] [Eff]

Section 7-609. Question of Order. A question of order ("point of order") may be raised at any stage of the proceedings, except when votes are being counted. The question shall be decided by the presiding officer without debate, subject to an appeal to the board.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 3-209] [Eff]

Section 7-610. Call for the Question. The purpose of a motion for the previous question or to "call for the question" is to cut off debate. It shall always be in order and shall be decided without debate. Whenever such a motion prevails, the question on the floor shall be put to an immediate vote. If the question on the floor is a subsidiary motion and the previous question is moved for all pending motions, all such motions are voted on without further debate.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para: §§ 7-603, 7-604, 7-605, 7-606, 7-607] [Eff]

Section 7-611. Debate. (a) When a neighborhood board member or person properly before the board wishes to speak, the member or person shall address the chair, be recognized before proceeding, and shall confine remarks to the question under discussion, avoiding personalities and abusive language.

- (b) The chair shall vacate the role of presiding officer when taking part in a debate. The vice chair shall then assume the role of chair. In the absence of the vice chair, the secretary shall be the presiding officer. In the absence of all other officers, the chair shall appoint a temporary chair and vacate the role of presiding officer for the duration of the debate and any vote on the matter.
- (c) If a board member or other person in speaking or by other action violates these rules, the presiding officer or any board member may raise a question of order. The presiding officer shall then decide the question of order without debate.
- (d) When any person is called to order while speaking, that person shall be in possession of the floor after the question of order is decided, and may proceed with the matter under discussion within the ruling on the question of order.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para:] [Eff]

Section 7-612. Parliamentary Procedure Guidance. The rules of parliamentary procedure as set forth by Robert's Rules of Order Newly Revised, as amended, shall guide the neighborhood boards when the Hawaii Revised Statutes, the Charter, the Rules of the Neighborhood Boards, and the Neighborhood Plan as a whole are silent.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 3-217] [Eff]

Page 96/104

DRAFT REVISED NEIGHBORHOOD PLAN 2006 PRELIMINARY CLEAN TEXT ONLY DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Section 7-701. **Conflicts of Interest.** No neighborhood board member shall:

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(a) Solicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, favor, service, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the board member in the performance of the member's official duties. Nothing herein shall preclude the solicitation or acceptance of lawful contributions for election campaign purposes.

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(b) Disclose confidential information gained by reason of the board member's office or position, or use such information for the member's personal gain or for the benefit of anyone.

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(c) Engage in any business transaction or activity, or have a financial interest, direct or indirect, which is incompatible with the proper discharge of a board member's official duties or which may tend to impair the member's independence of judgment in the performance of the member's official duties.

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[Auth: RCH §§ 4-105(4), 11-102, 14-101, 14-102, 14-103, 14-104; HRS § 84-11; Imp: RCH §§ 4-105(4), 11-102, 14-101, 14-102, 14-103, 14-104; HRS § 84-11; Hist: ; Para: § 3-301] [Eff

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Section 7-702. **Disclosure of Interest.** (a) Any neighborhood board member who knows he or she has a personal or private interest, direct or indirect, in any proposal before the board shall disclose such interest either orally or in writing to the board. disclosure shall be made a matter of public record prior to the taking of any vote on such proposal and recorded in the meeting minutes. The disclosure shall be applicable to all subsequent actions relating to the same subject matter.

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(b) No board member who makes any disclosure of interest shall be disqualified from voting on actions relating to that subject matter, but the member may choose to abstain from voting or to be recused.

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[Auth: RCH §§ 4-105(4), 11-103, 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 11-103, 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 3-302] [Eff

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Section 7-703. Political Activity. (a) No neighborhood board shall use its official position or title to:

(1) Endorse a candidate for elective public office; or

45 46 (2) Engage in any political activity which could reasonably be implied to endorse or support a candidate for elective public office.

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(b) Proper decorum as a neighborhood board member shall be to refrain from any conduct at a neighborhood board meeting to overtly promote one candidate over another.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

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(c) This section shall not be deemed to preclude the right of any neighborhood board member, while not engaged in the performance of the board member's scope of official duties, to engage in these political activities as a private individual.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: §§ 3-303, 7-202] [Eff

Section 7-704. Acceptance of Gifts or Donations. The neighborhood boards may accept gifts or donations of money, supplies, equipment, other personal property, refreshments, and professional services as appropriate in furtherance of their duties and functions, so long as no conflict of interest is created (see Section 7-701) and such gifts or donations are promptly disclosed and reported to the Executive Secretary, who shall periodically submit a compiled report to the City Council for action in accordance with RCH § 13-113.

[Auth: RCH §§ 4-105(4), 13-113, 14-101, 14-102, 14-103, 14-104, 14-105; Imp: RCH §§ 4-105(4), 13-113, 14-101, 14-102, 14-103, 14-104, 14-105; Hist: ; Para: § 3-304] [Eff

PLEASE NOTE: The Neighborhood Plan Committee chose not to recommend Section 7-801 regarding impeachment of a neighborhood board member for inclusion as part of the Public Review Draft Revised Neighborhood Plan 2006 proposed for adoption by the Neighborhood Commission. This original Section 7-801 is set forth here in order to solicit further public comment, especially at the public hearings to be held. The Neighborhood Commission retains the discretionary authority to exclude or include this Section 7-801 at the time of final action, subject to the above opportunity for public input.

Original Section 7-802 regarding recall of a neighborhood board member has been renumbered as Section 7-801 in this Draft Revised Neighborhood Plan 2006.

- Section 7-801. Impeachment of a Neighborhood Board Member. neighborhood board member may be impeached for malfeasance, misfeasance, or nonfeasance in office or for interference with the performance of the duties of any officer or employee in any executive agency of the city government. The Neighborhood Commission shall constitute a board of impeachment in any proceeding for the removal of a neighborhood board member who may be charged on any of the foregoing grounds.
- (2) The charges shall be set forth in writing in a petition for impeachment signed by not less than fifty (50) duly registered voters of the specific neighborhood board district for the removal of a neighborhood board member, and said signatures shall be necessary only for the purpose of filing the petition. The petition having once been filed, hearings shall be held on all such charges.
- (3) The impeachment petition shall require each signing voter's signature, address, social security number, neighborhood board district, and the date of signing. Signatures on an

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impeachment petition may be on separate sheets but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are duly registered voters of the specific neighborhood board district, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

(4) The board of impeachment may appoint a master and invest the master with the power to investigate the charge and report thereon to the board of impeachment. If the board of impeachment sustains the charge, the neighborhood board member shall be deemed removed from office.

[Auth: RCH §§ 4-105(4), 12-201, 12-202, 12-203, 14-101, 14-102, 14-103, 14-104, 14-105; Imp: RCH §§ 4-105(4), 12-201, 12-202, 12-203, 14-101, 14-102, 14-103, 14-104, 14-105; Hist: New; Para: §§ 5-101, 7-802]

Section 7-801. Recall of a Neighborhood Board Member. (a) A neighborhood board member may be removed by recall which shall be initiated by the Neighborhood Commission upon submission of a petition signed by duly registered voters of the specific neighborhood board district for the seat to which the member was elected. The number of signatures necessary shall be equal in number to at least five percent (5%) or one hundred (100), whichever is less, of the registered voters within the respective neighborhood board district in the last held neighborhood board election for that area.

(b) The recall petition shall require each signing voter's signature, address, social security number, neighborhood board district, and the date of signing. Signatures on a recall petition may be on separate sheets but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are duly registered voters of the specific neighborhood board district, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

(c) A recall petition shall be tendered for filing with the city clerk. The clerk shall examine it to see whether it contains a sufficient number of apparently genuine signatures of registered voters. The clerk may question the genuineness of any signature or signatures appearing on the recall petition and if the clerk finds that any such signature or signatures are not genuine, the clerk shall disregard them in determining whether the petition contains a sufficient number of signatures. The clerk shall also disregard any signature dated more than sixty (60) calendar days before the petition was tendered for filing. The clerk shall eliminate any sheet of the petition which is not accompanied by the required affidavit. The invalidity of any sheet of the petition shall not affect the validity of the petition if a sufficient number of signatures remains after eliminating such an invalid sheet. The clerk shall complete the examination of the petition within twenty (20) working days after the submission of the petition to the clerk and shall thereupon file the petition if valid or reject it if invalid.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(d) As soon as the clerk has accepted a recall petition for filing, the clerk shall notify the elected board member that the petition has been filed. Upon receipt of such notice, the elected board member may resign from office and thereupon the recall proceedings shall terminate.

(e) If the elected board member does not resign from office within ten (10) calendar days after notice of the filing of the recall petition shall have been given to the elected board member, the Neighborhood Commission shall arrange a recall election. If a general or special Neighborhood Board System election is to be held not less than thirty (30) calendar days nor more than ninety (90) calendar days after the above ten (10) calendar day period has expired, the recall question shall be placed before the voters at that scheduled election. Otherwise, a special recall election shall be fixed for a date not earlier than thirty (30) calendar days nor later than ninety (90) calendar days after the above ten (10) calendar day period has expired. The elected board member may resign at any time prior to the recall election and thereupon the election shall not be held.

(f) The following question shall be presented to each voter in a recall: "Shall (name of elected board member) be recalled and removed from the office of (title of office)?"

(g) If a majority of the registered voters who vote on the question at a recall election shall vote "Yes," the elected board member shall be deemed recalled and removed from office. Otherwise, the board member shall remain in office.

(h) No person, who has been removed from elected office or who has resigned from an elected office after a recall petition directed to that person has been filed, shall be eligible for election or appointment to any office of the city within two (2) years after that person's removal or resignation.

(i) No recall petition shall be filed against an elected board member within the first or the last ninety (90) calendar days of the board member's term or within ninety (90) calendar days after an unsuccessful recall election against the same board member.

[Auth: RCH §§ 4-105(4), 12-102, 12-103, 14-101, 14-102, 14-103, 14-104, 14-105; Imp: RCH §§ 4-105(4), 12-102, 12-103, 14-101, 14-102, 14-103, 14-104, 14-105; Hist: New; Para: § 5-101] [Eff]

TERMINATION OF A NEIGHBORHOOD BOARD

ARTICLE 8

Section	8-101.	Initiation of Termination.
	8-102.	Termination Initiated by Residents.
	8-103.	Termination Initiated by Neighborhood Board.
	8-104.	Termination Initiated by Neighborhood Commission.
	8-105.	New Initiation and Formation Not Precluded.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

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Section 8-101. Initiation of Termination. The termination of a neighborhood board may be initiated by the residents of the neighborhood, the neighborhood board itself, or by the Neighborhood Commission.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: | [Eff

Section 8-102. **Termination Initiated by Residents.** (a) The termination of a neighborhood board may be initiated by the submission of a petition to the Neighborhood Commission which is signed by five percent (5%) or one hundred (100), whichever is less, of the registered voters within its neighborhood district boundaries at the time of the last general election. The Neighborhood Commission shall then transmit the petition to the city clerk for verification of the signatures as being those of registered voters who reside within the district boundaries of the specific neighborhood.

(b) After receiving certification from the city clerk verifying the signatures on the petition as those of registered voters residing in the applicable neighborhood district, the commission shall hold a duly noticed public hearing within the district boundaries of the neighborhood. The purpose of the public hearing shall be to determine (1) whether an election should be held in the neighborhood on the question of "Shall the (name) neighborhood board be terminated?" or (2) whether some other action by the Neighborhood Commission is appropriate in response to the petition. Any and all additional petitions calling for termination or any other action in relation to that neighborhood board must be submitted before the close of the public hearing. There shall be ten (10) calendar days allowed for the submission of written testimony after the close of the public hearing.

(c) Not less than ten (10) nor more than forty-five (45) calendar days after the close of the public hearing, the commission shall by resolution determine the course of action to be taken in response to the petition. A statement explaining the principal reasons for the commission's action shall accompany the resolution. A two-thirds (2/3) vote of the commission shall be required to authorize an election to be held in the neighborhood on the question of termination. A neighborhood board shall be terminated upon the affirmative vote equal to a majority of the votes cast in the termination election.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: | [Eff

Section 8-103. Termination Initiated by Neighborhood Board. (a) The termination of a neighborhood board may be initiated by the affirmative action of a neighborhood board itself. A two-thirds (2/3) majority vote of the entire membership to which the board is entitled, or, in the event of vacancies on the board, two-thirds (2/3) of the remaining membership of the board, shall be required to petition the Neighborhood Commission to consider the proposed termination of that board.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(b) The commission shall initiate action to consider the termination of the board pursuant to Section 8-104.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para:] [Eff]

Section 8-104. Termination Initiated by Neighborhood Commission. (a) If a neighborhood board fails to meet or attain quorum to conduct business for six (6) consecutive months, or for other valid reasons, the Neighborhood Commission may initiate action to terminate the board and hold a duly noticed public hearing within the district boundaries of the neighborhood. The purpose of the public hearing shall be to determine whether the neighborhood board should be terminated. There shall be ten (10) calendar days allowed for the submission of written testimony after the close of the public hearing.

(b) Not less than ten (10) nor more than forty-five (45) calendar days after the close of the public hearing, the commission shall by resolution determine whether to terminate the neighborhood board or take some other action. A statement explaining the principal reasons for the commission's action shall accompany the resolution. A two-thirds (2/3) vote of the commission shall be required to accomplish the termination of a neighborhood board.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para:] [Eff]

Section 8-105. New Initiation and Formation Not Precluded. The termination of a neighborhood board by the affirmative vote of a majority of the votes cast in the neighborhood or by Neighborhood Commission action pursuant to this Article 8, shall not preclude the initiation and formation of a new neighborhood board at any time pursuant to Article 5.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: New; Para:] [Eff]

ARTICLE 9

AMENDMENT OR REVISION OF THE NEIGHBORHOOD PLAN

- Section 9-101. Initiation of Proceedings to Adopt, Amend, Revise, or Repeal the Neighborhood Plan.
 - 9-102. Method of Adoption, Amendment, Revision, or Repeal of Rules.
 - 9-103. Place and Time of Public Hearings.
 - 9-104. Effective Date of Amendment or Revision.
 - 9-201. Periodic Comprehensive Review.

Page 102/104

DRAFT REVISED NEIGHBORHOOD PLAN 2006 PRELIMINARY CLEAN TEXT ONLY DRAFT

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

Section 9-101. Initiation of Proceedings to Adopt, Amend, Revise, or Repeal the Neighborhood Plan. (a) The Neighborhood Commission, at any time on its own motion, may initiate proceedings for the adoption, amendment, revision, or repeal of any rule of this Neighborhood Plan.

- (b) Any interested person, agency, or neighborhood board may petition the Neighborhood Commission to request the adoption, amendment, revision, or repeal of any rule of this Neighborhood Plan. The petition shall be submitted to the commission and shall include:
 - (1) A statement of the nature of the petitioner's interest;
 - (2) A draft of the substance of the proposed rule, amendment, or revision, or a designation of the provision sought to be repealed; and
 - (3) A statement of the principal reasons in support of the proposed rule, amendment, revision, or repeal.
- (c) Upon submission of the petition, the Neighborhood Commission shall within thirty (30) calendar days either deny the petition in writing, stating its reasons for the denial, or initiate proceedings in accordance with Hawaii Revised Statutes Section 91-3 and Section 9-102 of this Neighborhood Plan for the adoption, amendment, revision, or repeal of rules, as applicable.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS §§ 91-3, 91-6; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; HRS §§ 91-3, 91-6; Hist: ; Para: §§ 1-304, 4-301, 4-302, 4-303, 5-106] [Eff]

Section 9-102. Method of Adoption, Amendment, Revision, or Repeal of Rules.

- (a) The rules adopted, amended, revised, or repealed by the Neighborhood Commission shall be made in accordance with Hawaii Revised Statutes Section 91-3 and this section.
- (b) Prior to the adoption, amendment, revision, or repeal of any rule, a public hearing shall be held by the commission. At least thirty (30) calendar days notice shall be given prior to the date of the hearing. The notice shall include a statement of the substance of the proposed action or subject matter to be covered, and the date, time, and place where interested persons and agencies may be heard thereon. The notice shall be duly distributed to all persons and agencies who have made a timely request of the commission for advance notice of its activities or rulemaking proceedings. The notice of hearing shall be published at least once in a newspaper of general circulation in the City & County of Honolulu, and reasonable efforts made to utilize other media in order to inform the public.
- (c) All interested persons and agencies shall be afforded an opportunity to submit testimony and information (data, views, or arguments) orally or in writing. There shall be five (5) calendar days allowed for the submission of written testimony after the close of the public hearing. The commission shall fully consider all timely received written and oral submissions respecting the proposed adoption, amendment, revision, or repeal of rules prior to taking any formal action at a duly noticed meeting.

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

(d) The commission shall announce at the public hearing the date as to when it intends to make its decision. Upon the adoption, amendment, revision, or repeal of a rule, the commission shall issue a concise statement of the principal reasons for its decision.

[Auth: RCH §§ 4-105(4), 13-106, 14-101, 14-102, 14-103, 14-104; HRS § 91-3; Imp: RCH §§ 4-105(4), 13-106, 14-101, 14-102, 14-103, 14-104; HRS § 91-3; Hist: ; Para: §§ 1-304, 3-206, 4-302, 4-303, 5-104, 5-106] [Eff]

Section 9-103. Place and Time of Public Hearings. Public hearings shall be held as appropriate at City Hall, in the community at large, or in the specific neighborhood area affected by a proposed action, and may be held on weekdays, weekday evenings, or on Saturdays. No public hearings shall be held on Sundays.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104; Hist: ; Para: § 1-304] [Eff]

Section 9-104. Effective Date of Amendment or Revision. (a) Subject to the approval of the Mayor, any adoption, amendment, revision, or repeal of any rule approved by the Neighborhood Commission shall become effective at the time and under the conditions specified in the resolution of approval and in compliance with Hawaii Revised Statutes Section 91-4, or as otherwise provided by law.

- (b) Upon approval by the Mayor, the Neighborhood Commission shall file forthwith certified copies of the newly adopted, amended, revised, or repealed rule with the City Clerk. The City Clerk shall then file forthwith certified copies of the same with the Lieutenant Governor. A permanent register of the rules, open to public inspection, shall be kept by the Lieutenant Governor and the City Clerk.
- (c) Each rule adopted, amended, revised, or repealed shall become effective ten (10) calendar days after filing with the City Clerk.

[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104, 15-104; HRS §§ 91-3(c), 91-4; Imp: RCH §§ 4-105(4), 14-101, 14-102, 14-103, 14-104, 15-104; HRS §§ 91-3(c), 91-4; Hist: _____; Para: §§ 1-104, 1-303(a), 1-304] [Eff]

Section 9-201. Periodic Comprehensive Review. On or before July 31, 2010 and at periodic intervals of not more than five years thereafter, the presiding officer of the Neighborhood Commission shall appoint an ad hoc committee consisting of not less than three members of the commission, not less than six members of the neighborhood boards, and the Executive Secretary to comprehensively study, review, and evaluate these rules, solicit public comments thereon, and report on the committee's activities and findings to the full Neighborhood Commission, including any recommendations for any revisions deemed necessary to promote both the improvement of this Neighborhood Plan and the

Page 104/104

Prepared by J. Thomas Heinrich, J.D. (September 13, 2005)

1 2 3	efficient and effective conduct of the duties and business of the Neighborhood Commission and the Neighborhood Board System.			
4	[Auth: RCH §§ 4-105(4), 14-101, 14-102, 14-103(b), 14-104; Imp: RCH §§ 4-105(4), 14-101,			
5	14-102, 14-103(b), 14-104; Hist: ; Para: §§ 1-303(a), 1-304, 4-304]			
6				
7	<<<<<<<<<<<<<<<<<<<<<<> NEXT >>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>			
8				
9				
10	LIST OF APPENDICES			
11				
12				
13 14	Appendix A1.	Neighborhood Commission and Neighborhood Board System		
15	A2.	Organizational Chart. Oahu's Neighborhood Board System Summary Chart		
16	AZ.	(Board Names, Regular Meeting Schedule,		
17		Membership Composition, and Date Formed).		
18	A3.	Tables of Disposition.		
19	A4.	Text of Hawaii Revised Statutes Chapter 92,		
20		Public Agency Meetings and Records ("Sunshine Law").		
21				
22				
23	<<<<<<<	<		